

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 1/21/2018 9:14:17 PM
To: Thomas, Latosha [Thomas.Latosha@epa.gov]
CC: Colip, Matthew [colip.matthew@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Sands, Jeffrey [sands.jeffrey@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Costa, Allison [Costa.Allison@epa.gov]; Schrock, Bill [Schrock.Bill@epa.gov]; Janifer, Pamela [Janifer.Pamela@epa.gov]
Subject: RE: EPRCA Reporting for Farms

Thanks

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Cellular Phone / Ex. 6

From: Thomas, Latosha
Sent: Thursday, January 18, 2018 6:03 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Colip, Matthew <colip.matthew@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: RE: EPRCA Reporting for Farms

Hi Nancy,

Here is our response to the question that it seems like Diane is asking....

Q: Why can't EPA tell me how to estimate my releases from animal waste or how many animals require reporting?

A: EPA recognizes it will be challenging for farmers to estimate releases because there is no singularly accepted methodology for estimating these releases at this time. Many factors at a farm, such as geographic location, environmental conditions, management practices, animal characteristics, and operating conditions, influence emissions. Due to the complex interactions of these factors, emissions cannot be standardized. EPA is working on developing methodologies to estimate emissions from a wide variety of operations and thus better inform emission estimates from animal waste. However, that work will not be completed before the Court issues its mandate. While EPA does not yet have methodologies to estimate emissions from animal waste, EPA has provided links to other resources (i.e. studies, worksheets, estimators), via the website: www.epa.gov/animalwaste, that farm owners and operators may use to estimate their releases. These resources are provided for various species and include worksheets where farm owners and operators may input information from their operations to determine if their emissions from animal waste could meet or exceed the reportable quantity for the two hazardous substances commonly released from animal waste--ammonia and hydrogen sulfide.

From: Grantham, Nancy
Sent: Wednesday, January 17, 2018 4:27 PM
To: Sands, Jeffrey <sands.jeffrey@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Colip, Matthew <colip.matthew@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: FW: EPRCA Reporting for Farms

All – see below from Region 1 – and let us know your thoughts on how we could help the region address.

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Cellular Phone / Ex. 6

From: Melanson, Kate
Sent: Wednesday, January 17, 2018 1:16 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Gutro, Doug <Gutro.Doug@epa.gov>
Subject: RE: EPRCA Reporting for Farms

She is a senior dairy staffer at VT Ag. and Markets

From: Grantham, Nancy
Sent: Wednesday, January 17, 2018 1:14 PM
To: Melanson, Kate <Melanson.Kate@epa.gov>
Cc: Gutro, Doug <Gutro.Doug@epa.gov>
Subject: RE: EPRCA Reporting for Farms

Thanks .. what agency is this person from? Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Cellular Phone / Ex. 6

From: Melanson, Kate
Sent: Wednesday, January 17, 2018 1:13 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Gutro, Doug <Gutro.Doug@epa.gov>
Subject: FW: EPRCA Reporting for Farms

Hi Nancy –

Note from Vermont Ag, with a CC to Senator Leahy's office.

From: Bothfeld, Diane [mailto:Diane.Bothfeld@vermont.gov]
Sent: Wednesday, January 17, 2018 7:21 AM
To: Melanson, Kate <Melanson.Kate@epa.gov>
Cc: Berry, Tom (Leahy) <Tom_Berry@leahy.senate.gov>
Subject: RE: EPRCA Reporting for Farms

Kate,

I know you are trying but I find this all confusing and not overly helpful. With all the disclaimer language in these documents – I could not in good faith tell a farmer what to do with this. It is not clear what are the limits on ammonia and hydrogen sulfide on the worksheet or anywhere else in the document.

The numbers should be clear and upfront so farmers can make the calculations and determine if they need to go further or not. I know there are several other factors but I cannot find how a farmer would determine what other factors would be involved beyond the calculation for dairy farms. So how could a farmer verify or not any numbers or the need to register or not.

Sorry to say – this material is not overly useful to me and I have an idea what is going on. So farmers who have no idea what you are asking will not be well served by these documents.

Keep trying would be my advice.

Diane

From: Melanson, Kate [mailto:Melanson.Kate@epa.gov]
Sent: Wednesday, January 17, 2018 7:04 AM
To: Bothfeld, Diane <Diane.Bothfeld@vermont.gov>
Subject: EPRCA Reporting for Farms

Good Morning Diane –

The revised factsheet and website came out yesterday afternoon.

The link to site is - <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

There are also worksheets to help farmers calculate if they need to report here - <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms#Resources>

I've attached the Dairy Farm worksheet as well as the updated factsheet.

Please let me know if you have any questions.

Thank you!
-Kate

Kate Melanson
U.S. Environmental Protection Agency
617-918-1491
melanson.kate@epa.gov

Message

From: Miller, Sara [smille1@michfb.com]
Sent: 11/16/2017 3:47:02 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: Invitation for Administrator Pruitt

Sure, we can make that work.

Sara Miller

Event Specialist

Michigan Farm Bureau

Center for Education & Leadership Development and Michigan Foundation for Agriculture

7373 W. Saginaw Hwy. | Lansing, MI 48917

P: 517.679.4781 | E: smille1@michfb.com

W: www.michfb.com

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, November 16, 2017 10:40 AM
To: Miller, Sara <smille1@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

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Is there a chance we can push to 1?

From: Miller, Sara [mailto:smille1@michfb.com]
Sent: Wednesday, November 15, 2017 6:30 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Invitation for Administrator Pruitt

Great! We will talk to you at 1:30.

Have a great night ☺

Sara Miller

Event Specialist

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7373 W. Saginaw Hwy. | Lansing, MI 48917

P: 517.679.4781 | E: smille1@michfb.com

W: www.michfb.com

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, November 15, 2017 6:13 PM
To: Miller, Sara <smille1@michfb.com>
Cc: Schmucker, Debra <dschmuc@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

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That works. **Ex. 6 PP**

From: Miller, Sara [<mailto:smille1@michfb.com>]
Sent: Wednesday, November 15, 2017 6:09 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Schmucker, Debra <dschmuc@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

Tomorrow morning is a bit sticky, does 1:30pm work?

Sara Miller

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P: 517.679.4781 | E: smille1@michfb.com
W: www.michfb.com

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Wednesday, November 15, 2017 6:08 PM
To: Miller, Sara <smille1@michfb.com>
Cc: Schmucker, Debra <dschmuc@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

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You bet. Tomorrow morning work ok?

From: Miller, Sara [<mailto:smille1@michfb.com>]
Sent: Wednesday, November 15, 2017 6:05 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Schmucker, Debra <dschmuc@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

Good evening, Tate,

Wanted to check back in on schedule. We are trying to wrap up scripting and logistics for our sessions, and have quite a few moving pieces regarding Administrator Pruitt's arrival. Can we set up a call this week to review?

Thanks!

Sara Miller

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7373 W. Saginaw Hwy. | Lansing, MI 48917
P: 517.679.4781 | E: smille1@michfb.com
W: www.michfb.com

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Tuesday, November 07, 2017 3:21 PM
To: Miller, Sara <smille1@michfb.com>
Cc: Campbell, Laura <lcampbe@michfb.com>; Kran, John <jkran@michfb.com>; Schmucker, Debra <dschmuc@michfb.com>
Subject: Re: Invitation for Administrator Pruitt

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Hey! We are a yes. Please do not post online. I'll follow up separately soon.

On Nov 7, 2017, at 2:27 PM, Miller, Sara <smille1@michfb.com> wrote:

Hi Tate,

Just wanted to check in and see if there were any updates for us.

Thanks,

Sara Miller

Event Specialist

Michigan Farm Bureau

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7373 W. Saginaw Hwy. | Lansing, MI 48917

P: 517.679.4781 | E: smille1@michfb.com

W: www.michfb.com

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Thursday, November 02, 2017 11:24 AM

To: Miller, Sara <smille1@michfb.com>

Cc: Campbell, Laura <lcampbe@michfb.com>; Kran, John <jkran@michfb.com>

Subject: Re: Invitation for Administrator Pruitt

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Standby- should know about a formal rsvp later today/ before the weekend.

On Nov 2, 2017, at 11:15 AM, Miller, Sara <smille1@michfb.com> wrote:

Thanks, team! Looking forward to the Administrator joining us! Tate, while you are working on the details, would you mind sending me his bio so we can get to work on our scripting?

Thanks so much!

Sara Miller

Event Specialist

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P: 517.679.4781 | E: smille1@michfb.com

W: www.michfb.com

From: Campbell, Laura

Sent: Wednesday, November 01, 2017 5:39 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Miller, Sara <smille1@michfb.com>; Kran, John <jkran@michfb.com>

Subject: RE: Invitation for Administrator Pruitt

Hi Sara, Tate called me back and said she's going to run the proposal by the Administrator and figure out when in the morning they would arrive, but she said for now to not plan for the morning round table and she would let us know when he would want to do the controlled press opportunity and have some member conversation – likely after he speaks at delegate session.

I told her to contact you as the lead for all the details on that stuff, and that we had a press room and a variety of other closed spaces where we could control entry for whatever he wanted to do. We might want to touch base with Carl and put together a short list of members who would speak with him, since he said he was willing to do some one-on-one with members in addition to the press access.

She did ask specifically that we:

- 1) Not advertise his presence in advance of the meeting. I told her we could announce him as a special surprise guest during President's Lunch, and invite the non-delegates to "pack the house" in the observation areas to see him, and that we could add it to the event app on the day of his arrival.
- 2) She also asked for no press during his remarks on delegate floor, which I told her I thought we could do, especially since he's willing to do a (limited) press thing separate from his time before the members.

Tate will call or email you for more details, but please let me know if there's anything else you need from me to help with this. Thanks!

Laura A. Campbell
Manager, Ag Ecology Department
Michigan Farm Bureau
Office: 517-679-5332 **Cellular Phone / Ex. 6**
Email: lcampbe@michfb.com

From: Campbell, Laura
Sent: Wednesday, November 01, 2017 3:26 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Cc: Miller, Sara <smille1@michfb.com>; Kran, John <jkran@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

Hi Tate, your voicemail box is full so I'm sending this by email. We got the word back from President Bednarski on scheduling Administrator Pruitt's time for the Michigan Farm Bureau members and want to double check some logistics with you:

- We were thinking a short presentation (about 10 minutes) at the beginning of our first delegate session Tuesday afternoon November 28, which starts at 1:15 pm. We'll need to factor in a few minutes of introductions and instructions before the Administrator starts.
- Since the delegate stage isn't really conducive to a conversational Q&A with members, would the Administrator also want to have a smaller roundtable that morning with some farmers President Bednarski would select? Ideally we could set that up sometime before 11:30 am.
- Would the Administrator want to attend the President's Lunch? He could attend the lunch (which runs from 11:30 to 1:00) and/or if he is interested in doing some press we could set up a controlled space for select press during that time before he goes in to speak with the members.
- What security needs will the Administrator have while he is there?

I am going to be in Detroit for a conference tomorrow and Friday, so if you don't get this message before then, please feel free to work out any arrangements you need with Sara Miller. If either of you have questions during that time though, please feel free to text me on my cell or email me.

Thanks!

Laura A. Campbell
Manager, Ag Ecology Department
Michigan Farm Bureau
Office: 517-679-5332 **Cellular Phone / Ex. 6**
Email: lcampbe@michfb.com

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Wednesday, November 01, 2017 8:10 AM
To: Campbell, Laura <lcampbe@michfb.com>
Cc: Miller, Sara <smille1@michfb.com>
Subject: Re: Invitation for Administrator Pruitt

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Thanks for the update!

On Oct 31, 2017, at 8:36 AM, Campbell, Laura <lcampbe@michfb.com> wrote:

Hi Tate, just checking back in with you -- we're working on the schedule for our meeting to give you definites on the time for Administrator Pruitt's visit and are working to communicate plans with MFB President Bednarski, so we will share details as soon as we have them. I'm copying Sara Miller so you have each other's contact information, since Sara is leading logistics for the annual meeting.

Thank you so much for your patience!

Laura A. Campbell
Manager, Ag Ecology Department
Michigan Farm Bureau
Office: 517-679-5332 **Cellular Phone / Ex. 6**
Email: lcampbe@michfb.com

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, October 26, 2017 3:29 PM
To: Campbell, Laura <lcampbe@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

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Hey Laura! Is there a good time to call you this evening? Wanted to follow up on this.

From: Campbell, Laura [<mailto:lcampbe@michfb.com>]

Sent: Wednesday, August 23, 2017 10:48 AM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Kran, John <jkran@michfb.com>

Subject: Invitation for Administrator Pruitt

Hi Tate, my name is Laura Campbell from Michigan Farm Bureau. My colleagues at the American Farm Bureau Federation gave me your contact information in order to open some dialogue with Administrator Pruitt's office, and I'm hoping you can help me! Earlier this year, MFB President Carl Bednarski sent a letter to the Administrator regarding the status of our state's delegated authority to administer portions of the Clean Water Act (attached for your reference). President Bednarski has asked me to reach out to your office because he would like to invite the Administrator to visit Michigan. We are a key state in a number of issues that are a high priority for the Administrator:

- Waters of the US – withdrawing the 2015 rule and rewriting a new rule
- Wetlands issues – both related to WOTUS and to Michigan's recent challenges with approval for its delegated authority
- Addressing harmful algae blooms in the Western Lake Erie basin – efforts by agriculture and the need for support of voluntary conservation efforts rather than further regulation
- Additionally, we have significant concerns about another issue EPA has been dealing with in the Courts surrounding the requirement for many livestock farms to report air emission releases under CERCLA and EPCRA, and would like the Administrator to have an opportunity to speak with farmers about the topic.

There are a number of ways we might be able to arrange a visit. If the Administrator has time this fall, he would have an excellent opportunity to see these issues on the ground and speak with farmers dealing with them every day, as well as being able to visit a local Farm Bureau event. If his availability is instead open later in the year, our annual State Farm Bureau meeting hosts more than 1000 visitors and provides opportunities for both small round-table discussions and larger session or banquet speaking opportunities. Could you look at the Administrator's schedule to see if he might be available for a visit on any of the following dates?

- Sep. 12: farm visits and Kent County Farm Bureau Annual meeting
- Sep. 19: farm visits and Cass County Farm Bureau Annual meeting
- Sep. 21: farm visits and Ottawa County Farm Bureau Annual meeting
- Oct. 17: farm visits and St. Joseph County Farm Bureau Annual meeting
- Nov. 2: farm visits and Berrien County Farm Bureau Annual meeting

- Nov. 6: farm visits and Van Buren County Farm Bureau Annual meeting
- Nov. 28-30: MFB State Annual Meeting, Grand Rapids, MI — round table discussions and speaking to a large gathering of Farm Bureau members.

Thank you so much for your help! Please let me know your thoughts and if you have any questions. If the Administrator is interested in a visit to Michigan and none of those dates work for his schedule, please let me know and we would be more than happy to make other arrangements for his visit to be impactful.

Laura A. Campbell
Manager, Ag Ecology Department
Michigan Farm Bureau
Office: 517-679-5332 **Cellular Phone / Ex. 6**
Email: lcampbe@michfb.com

Message

From: Miller, Sara [smille1@michfb.com]
Sent: 11/15/2017 11:05:06 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Schmucker, Debra [dschmuc@michfb.com]
Subject: RE: Invitation for Administrator Pruitt

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Michigan Farm Bureau
Office: 517-679-5332 **Cellular Phone / Ex. 6**
Email: lcampbe@michfb.com

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, October 26, 2017 3:29 PM
To: Campbell, Laura <lcampbe@michfb.com>
Subject: RE: Invitation for Administrator Pruitt

This email was delivered from outside the Farm Bureau Family of Companies - Please do not click on links or open attachments unless you are sure of its content.

Hey Laura! Is there a good time to call you this evening? Wanted to follow up on this.

From: Campbell, Laura [<mailto:lcampbe@michfb.com>]
Sent: Wednesday, August 23, 2017 10:48 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Kran, John <jkran@michfb.com>
Subject: Invitation for Administrator Pruitt

Hi Tate, my name is Laura Campbell from Michigan Farm Bureau. My colleagues at the American Farm Bureau Federation gave me your contact information in order to open some dialogue with Administrator Pruitt’s office, and I’m hoping you can help me! Earlier this year, MFB President Carl Bednarski sent a letter to the Administrator regarding the status of our state’s delegated authority to administer portions of the Clean Water Act (attached for your reference). President Bednarski has asked me to reach out to your office because he would like to invite the Administrator to visit Michigan. We are a key state in a number of issues that are a high priority for the Administrator:

- Waters of the US – withdrawing the 2015 rule and rewriting a new rule
- Wetlands issues – both related to WOTUS and to Michigan’s recent challenges with approval for its delegated authority

- Addressing harmful algae blooms in the Western Lake Erie basin – efforts by agriculture and the need for support of voluntary conservation efforts rather than further regulation
- Additionally, we have significant concerns about another issue EPA has been dealing with in the Courts surrounding the requirement for many livestock farms to report air emission releases under CERCLA and EPCRA, and would like the Administrator to have an opportunity to speak with farmers about the topic.

There are a number of ways we might be able to arrange a visit. If the Administrator has time this fall, he would have an excellent opportunity to see these issues on the ground and speak with farmers dealing with them every day, as well as being able to visit a local Farm Bureau event. If his availability is instead open later in the year, our annual State Farm Bureau meeting hosts more than 1000 visitors and provides opportunities for both small round-table discussions and larger session or banquet speaking opportunities. Could you look at the Administrator's schedule to see if he might be available for a visit on any of the following dates?

- Sep. 12: farm visits and Kent County Farm Bureau Annual meeting
- Sep. 19: farm visits and Cass County Farm Bureau Annual meeting
- Sep. 21: farm visits and Ottawa County Farm Bureau Annual meeting
- Oct. 17: farm visits and St. Joseph County Farm Bureau Annual meeting
- Nov. 2: farm visits and Berrien County Farm Bureau Annual meeting
- Nov. 6: farm visits and Van Buren County Farm Bureau Annual meeting
- Nov. 28-30: MFB State Annual Meeting, Grand Rapids, MI – round table discussions and speaking to a large gathering of Farm Bureau members.

Thank you so much for your help! Please let me know your thoughts and if you have any questions. If the Administrator is interested in a visit to Michigan and none of those dates work for his schedule, please let me know and we would be more than happy to make other arrangements for his visit to be impactful.

Laura A. Campbell
 Manager, Ag Ecology Department
 Michigan Farm Bureau
 Office: 517-679-5332 Cellular Phone / Ex. 6
 Email: lcampbe@michfb.com

Message

From: Nitsch, Chad [Nitsch.Chad@epa.gov]
Sent: 11/14/2017 4:41:28 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms

Thank you!

Chad Nitsch
Intergovernmental Relations | State and Regional Partnerships
United States Environmental Protection Agency
202-564-4714

From: Bennett, Tate
Sent: Tuesday, November 14, 2017 11:41 AM
To: Nitsch, Chad <Nitsch.Chad@epa.gov>
Subject: FW: URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms

In general, the bottom update.

From: Cheatham, Reggie
Sent: Thursday, November 9, 2017 2:50 PM
To: Michael Formica <formicam@nppc.org>
Cc: Sands, Jeffrey <sands.jeffrey@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: Re: URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms

It will assign a number but we have decided for the purposes of this reporting all farms will receive the same number if they use the email system. If they call they will receive a unique number.

Thanks

Reggie Cheatham, Director
Office of Emergency Management, USEPA
202/564-8003(o)/202/689-9400
Doris Williams, Executive Assistant
202/564-0053

On Nov 9, 2017, at 2:27 PM, Michael Formica <formicam@nppc.org> wrote:

Reggie,

This will be incredibly helpful. Just need one clarification regarding the automated response system. Will it assign a since CR-ENS number per email? Or will it assign multiple numbers if there are multiple farms listed in an email?

For instance, if Hog Farmer Bill sends an email and reports 200 farms. Will he have one CR-ENS number to use for each of his farms? Or will he receive 200 different numbers, each unique to an individual farm?

Begin forwarded message:

From: "Cheatham, Reggie" <cheatham.reggie@epa.gov>
Date: November 9, 2017 at 1:49:10 PM EST
To: "Lewis, Jen" <Lewis.Jen@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>
Cc: "Clark, Becki" <Clark.Beki@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Taylor, Trish" <Taylor.Trish@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Noggle, William" <Noggle.William@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Principe, Vanessa" <Principe.Vanessa@epa.gov>
Subject: URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms

I want to provide the latest information on our efforts to assist farmers to comply with CERCLA/EPCRA reporting requirements. As you are aware, we recently provided a [website](#) for farmers who, on November 15th, may have to report their air releases from animal waste on their farms. This website provides guidance for farmers on how to estimate their releases from animal waste and how to report those releases if they meet or exceed the reportable quantity for that release. Prior to and since the release of this guidance, we have been working closely with the Ag community (including Ag Trade Association, Regional/State Ag Advisors, etc.), to make them aware of this guidance, get feedback, and identify issues.

Several issues that have arisen relate to the initial notification to the National Response Center (NRC). First, there is the potential for the NRC to be overwhelmed with calls on November 15th due to the number of farm owners/operators that will need to report. Second, some farm owners/operators have begun reporting to the NRC. The automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, we (OEM and OGC) have been working with the NRC program officials and attorneys, and have identified the following solution:

- The NRC will establish an email notification system so farm owners/operators can email their continuous release reports to the NRC rather than calling the NRC 800 number. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail.

- Once the email is received by the NRC email notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm. The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to EPA Regional Office within 30 days.
- Additionally, the NRC will email the farm owner/operator's continuous release notification to the EPA who will organize the notification in a spreadsheet and make that information available to the EPA Regional offices. This will alleviate inundating the EPA Regional office with continuous release reports.

The initial notification by e-mail, rather than by telephone, will help to avoid expected long hold delays, telephone system "crashes," and related inconveniences when reporting for farmers starts on November 15, 2017. EPA and the NRC consider the use of e-mail in this instance as complying with the immediate notification requirement of CERCLA section 103.

We are working to have this system in place by Tuesday, November 14th or sooner if possible. We will be revising have updated our website and guidance to communicate this streamlined reporting option for farmers:

"Due to the potential for large call volumes to the National Response Center (NRC), we are establishing an email option for initial continuous release notifications. The system should be available by November 15, 2017. Farm owners/operators should consider using the email option once it is available. This expedited option will allow one email notification for owners/operators with multiple farms."

Please let us know if you have any questions.

Thanks

Reggie Cheatham, Director
Office of Emergency Management
202/564-8003(w) 202/689-9400(c)
cheatham.reggie @epa.gov
Doris Williams, Executive Assistant
202/564-0053

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 11/7/2017 9:46:07 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Sands, Jeffrey [sands.jeffrey@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]; Irizarry, Gilberto [Irizarry.Gilberto@epa.gov]; Woodyard, Josh [Woodyard.Joshua@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Hull, George [Hull.George@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: New reporting instructions on the CERCLA/EPCRA Ag Website

Thanks for the update. I gave OPA a heads up.

From: Gioffre, Patricia
Sent: Tuesday, November 07, 2017 2:42 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Irizarry, Gilberto <Irizarry.Gilberto@epa.gov>; Woodyard, Josh <Woodyard.Joshua@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hull, George <Hull.George@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: New reporting instructions on the CERCLA/EPCRA Ag Website
Importance: High

We have heard from an industry stakeholder that some farmers have called the NRC and were then contacted by emergency response officials to respond to the release. We suspect that farmers may not be identifying the NRC call as a continuous release report.

To address this we are reminding farmers that they must identify the reportable release as an "initial continuous release notification. Our web editor quickly updated the red alert box on the website with this instruction and under the first FAQ, bolded the instructions to identify reportable releases as an "initial continuous release notification."

Additionally, to address a request from the NRC, we revised the statement in the red Alert box to say: Farms with continuous releases must submit their initial continuous release notification starting on November 15, 2017.

The revisions are on the website now at: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

OEM will continue to address concerns like these as they arise and will reach out to the NRC to ensure that reports from farmers are identified as continuous release reports.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)

Washington, DC 20460

202-564-1972

Cellular Phone / Ex. 6

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 1/22/2018 6:38:38 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: EPA Filed a Motion to Further Delay Issuance of the Mandate Re: Reporting Requirements for Farms Under CERCLA/EPCRA

All-

Thanks for participating in last week's call.

As of this time, the D.C. Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms.

On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate by three months. EPA is requesting that the Court give time to allow EPA to further revise the guidance to be more effective in assisting farms with coming into compliance, to conduct outreach to ensure farms with limited or no internet access are aware of the reporting requirements, and to finish developing the streamlined continuous reporting form. Once the court issues the mandate the statutory reporting requirements will go back into effect.

We have updated the www.epa.gov/animalwaste with the following message:

On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. EPA will be updating this page daily to provide information on the court mandate.

We will continue to update you when we hear news on the request to further delay the mandate.

Best.

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Davis, Patrick [davis.patrick@epa.gov]
Sent: 10/12/2017 3:36:29 PM
To: Noggle, William [Noggle.William@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]
CC: Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]
Subject: RE: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns

Thank you. In the meantime Barry and I had a chance to see Brittany and bring her up to speed on this situation. She will be conferring with Sara Reese before proceeding.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office

Ex. 6 PP

Information sent to this email address may be subject to FOIA.

From: Noggle, William
Sent: Thursday, October 12, 2017 10:31 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: FW: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns
Importance: High

Patrick,
Please hold off on calling Brittany/Samantha to expedite review of the EPCRA Q&A. OGC staff is meeting with David Fotouhi later this morning, when they will discuss if any additional review time, beyond Monday, would add value to the EPCRA Q&A. Sorry for the confusion.

Thanks,
Bill
202-566-1306

From: Gioffre, Patricia
Sent: Wednesday, October 11, 2017 12:35 PM
To: Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Subject: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns
Importance: High

Barry/Patrick-This is to alert you of the outcome from today's call with OMB and DOJ on the EPCRA section 304 interpretive Q&A.

Deliberative Process / Ex. 5

OMB recommends:

Deliberative Process / Ex. 5

OGC-Please feel free to add or correct anything I've characterized in this email.
Please let me know if you have additional questions.

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972

Cellular Phone / Ex. 6

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/2/2017 7:59:50 PM
To: Davis, Patrick [davis.patrick@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
CC: Clark, Becki [Clark.Becki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Hull, George [Hull.George@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: For OLEM IO and OGC Review: CERCLA/EPCRA website for agriculture
Attachments: Guidance for Farms DRAFT 10022017 .docx

Importance: High

Attached is a draft of the information to be added to the EPA website on CERCLA/EPCRA reporting (i.e., the CERCLA "guidance").

I am requesting that OGC review this text simultaneously with the OLEM IO to expedite review. Note-Our web specialist still needs to format the text to meet agency website formatting requirements. That may change the appearance of the information but will not change the substance.

Please respond with any revisions at your earliest convenience.

Feel free to contact Kim Jennings (202-564-7998) or me with any questions.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 10/5/2017 10:04:56 PM
To: Davis, Patrick [davis.patrick@epa.gov]
CC: Michaud, John [Michaud.John@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Brown, Byron [brown.byron@epa.gov]
Subject: RE: Updated routine agricultural operations Q&A

I inadvertently included a DOJ attorney on my email, so am now taking her off the email chain. [it was not the attorney on this case].

My apologies for the error.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Davis, Patrick
Sent: Thursday, October 05, 2017 5:44 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office

Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Patrick,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

Message

From: Breen, Barry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1B44BCE1A71E4A95ACAF82F2FBC858B0-BBREEN]
Sent: 10/5/2017 8:57:10 PM
To: Brooks, Becky [Brooks.Bekky@epa.gov]
Subject: RE: Updated routine agricultural operations Q&A

To let you know I saw this.

From: Brooks, Becky
Sent: Thursday, October 05, 2017 4:25 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Subject: Fwd: Updated routine agricultural operations Q&A

Barry — Wanted to make sure you have the latest version of this. Patrick and Susan are going to discuss when the meeting they are in now breaks up. Becky

Sent from my iPhone

Begin forwarded message:

From: "Lewis, Jen" <Lewis.Jen@epa.gov>
Date: October 5, 2017 at 3:59:28 PM EDT
To: "Davis, Patrick" <davis.patrick@epa.gov>
Cc: "Michaud, John" <Michaud.John@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>, "Noggle, William" <Noggle.William@epa.gov>, "Brooks, Becky" <Brooks.Bekky@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Hosford, Elizabeth (CIV)" <Elizabeth.Hosford@usdoj.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: Updated routine agricultural operations Q&A

Patrick,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 10/23/2017 2:10:21 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]
Subject: FW: Animal waste emissions guidance

FYSA

From: Colip, Matthew
Sent: Monday, October 23, 2017 8:21 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Animal waste emissions guidance

Ok – thanks George – hope you had a good weekend

Matt

From: Hull, George
Sent: Saturday, October 21, 2017 9:42 AM
To: Colip, Matthew <colip.matthew@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Re: Animal waste emissions guidance

Matt,
I'll get them to Jen. - George

Sent from my iPhone

On Oct 20, 2017, at 4:41 PM, Colip, Matthew <colip.matthew@epa.gov> wrote:

George - Barry would like these to go to Jen for review, then back to him for review. Would you be able to send to Jen?

Matt

From: Hull, George
Sent: Friday, October 20, 2017 12:07 PM
To: Colip, Matthew <colip.matthew@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: FW: Animal waste emissions guidance

Matt,

Following up on my e-mail conversation with Trish, yesterday. As you will see below, Trish had two questions regarding the News Brief and Desk Statement for the upcoming announcement of guidance on reporting air emissions from animal waste.

Deliberative Process / Ex. 5

From: Taylor, Trish

Sent: Thursday, October 19, 2017 4:27 PM

To: Colip, Matthew <colip.matthew@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: FW: Animal waste emissions guidance

Hey George,

It's my compressed day off tomorrow, so Matt Colip will be covering for me.

From: Hull, George

Sent: Thursday, October 19, 2017 4:01 PM

To: Taylor, Trish <Taylor.Trish@epa.gov>

Subject: RE: Animal waste emissions guidance

I'll check with Patty and get back to you. - George

From: Taylor, Trish

Sent: Thursday, October 19, 2017 3:59 PM

To: Hull, George <Hull.George@epa.gov>

Subject: RE: Animal waste emissions guidance

George,

Deliberative Process / Ex. 5

Thanks!

Trish

Trish Taylor, Office of Communications, Partnerships and Analysis (OCPA)
U.S. EPA, Office of Land and Emergency Management (OLEM)
WJC West, RM 3137
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 566-2615
taylor.trish@epa.gov

OLEM is on Twitter at [@EPALand](https://twitter.com/EPALand)

From: Hull, George
Sent: Thursday, October 19, 2017 3:36 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Animal waste emissions guidance

Trish,
Please find attached the draft release and desk statement with minor edits and additional language on

Deliberative Process / Ex. 5

From: Taylor, Trish
Sent: Wednesday, October 18, 2017 1:51 PM
To: Hull, George <Hull.George@epa.gov>
Subject: RE: Animal waste emissions guidance

Hi George,
I got your message. My vm is working now.
I'm at my desk if you have time to chat about it – to make sure we're on the same page as far as what Barry asked for re: the press release.

Attached are the draft release and desk statement. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Hull, George
Sent: Wednesday, October 18, 2017 1:44 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Animal waste emissions guidance

Trish,
I left you a phone message after talking to Vanessa and Patty this morning, but later realized that you have been having trouble with your phone. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Just wanted to confirm that you were able to hear my message. - George

From: Swenson, Erik [Swenson.Erik@epa.gov]
Sent: 10/25/2017 5:21:44 PM
To: Noggle, William [Noggle.William@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Hull, George [Hull.George@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Taylor, Trish [Taylor.Trish@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]
Subject: RE: Revised documents for OMB passback EPCRA CERCLA guidance

Deliberative Process / Ex. 5

From: Noggle, William
Sent: Wednesday, October 25, 2017 1:05 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: RE: Revised documents for OMB passback EPCRA CERCLA guidance

To all –
I'm sending to OMB at 1:15, unless someone lets me know they are still reviewing.

Thanks,
Bill

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 12:49 PM
To: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: Revised documents for OMB passback EPCRA CERCLA guidance
Importance: High

Attached are revised passback versions of the CERCLA and EPCRA guidance documents as well as the web version that makes minor modifications to the CERCLA document. The CERCLA web text shows a screen shot of the alert box that will notify farmers of their continuous release reporting requirements.

Note, when someone clicks on the link to the EPCRA Q&A they will see a formatted pdf document with the EPA logo (see attached). There are no language changes to the EPCRA Q&A.

Deliberative Process / Ex. 5

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 10/13/2017 1:06:55 PM
To: Cheatham, Reggie [cheatham.reggie@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Clark, Becki [Clark.Becki@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Hull, George [Hull.George@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]
Subject: RE: CERCLA EPCRA Update

Hi folks –

Do we need to have the OMB call at noon today? I am not sure that I'll be able to have a revised draft by then. I have a draft that addresses the OMB and SBA comments, but I need to work with our APA folks and David Fotouhi in order to address the DOJ comments. I'm doing that first thing this morning and hope to have a draft to David by 10:30, but he will need a bit of time to review. If we push the OMB call a bit later, I might be able to have a draft that can be shared.

I'll send an update in another hour or so, once I've sat down with our APA folks.

Thanks, Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Cheatham, Reggie
Sent: Thursday, October 12, 2017 7:20 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Clark, Becki <Clark.Becki@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: Re: CERCLA EPCRA Update

Thanks Patty from my view it looks good

Reggie Cheatham, Director
Office of Emergency Management, USEPA
202/564-8003(o)/202/689-9400
Doris Williams, Executive Assistant
202/564-0053

On Oct 12, 2017, at 5:46 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

Reggie/Becki-

This email is to provide a status update on the EPCRA/CERCLA guidance in preparation for publishing something on our website on Monday 10/16. (OGC/PARMS-If I've captured anything wrong, please feel free to correct me)

EPCRA 304 Q&A

- Still at OMB
- OGC revised per yesterday's interagency call and we discussed with OMB today (they are working closely with David F)
- DOJ, OMB and SBA had additional revisions

Deliberative Process / Ex. 5

- Planning for another call at noon tomorrow. Hoping to wrap up interagency review with the next draft Q&A.

CERCLA 103 web text

- Received some additional suggested revisions to revise the web text from OGC. They are in the attached draft document with today's date.
- **Still waiting on feedback from senior leaders**

Communications

- George and Trish have the communications plan ready and are working with OPA
- Patrick Davis would like to invite Brownfield Ag News (who submitted a recent press inquiry on this topic) to conduct a longer interview with EPA next week as part of the communication rollout.
 - I will be in the office on Monday to provide support and can do the interview.

ICR issues

- OMB, PARMS and RID staff participated in a call yesterday to develop an emergency package to amend the ICRs for EPCRA 304 reporting, CERCLA 103 reporting and the continuous release reporting ICR
- Discussed streamlining the continuous release reporting form for farmers.
 - We have a version previously developed to use as a starting point.
 - RID will focus on this work next week (though some staff are out of the office at the NASTTPO meeting)
- OMB is expecting a package on Monday 10/23

This is all moving rapidly. Although tomorrow is my Comp Day, I will remain actively involved, monitor email and participate in interagency calls. Kathy Franklin will be in the office tomorrow and serve as Acting Director for RID. Please copy her on all emails on this subject. Thanks!

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

<EPCRA routine ag Draft 10.12.17_OEM.docx>

<Guidance for Farms DRAFT 10122017 .docx>

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 1/10/2018 7:20:09 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]
CC: Benjamin, Kent [Benjamin.Kent@epa.gov]
Subject: FW: CERCLA EPCRA draft fact sheet
Attachments: CERCLA EPCRA Factsheet 1-8-18.docx; Animal Emissions Reporting Reqs Comms Plan (DRAFT 1.8.18).docx

Hi Becky,

FYSA – Per our Ag Advisor and OPA, we're planning to distribute a 'cheat-sheet' (aka fact sheet or FAQs 1-pager) to states and regional ag advisors prior to the Jan 22nd press release. I think USDA is currently reviewing the draft fact sheet attached before we finalize it.

We should probably chat sometime today to catch up.

Also attached is the most recent comms plan / timeline. We were originally scheduled to do external notifications the week of Jan 16th, but it's now planned for this week. OEM is working directly with OPA, who's working with the Ag Advisor.

From: Thomas, Latosha
Sent: Wednesday, January 10, 2018 12:52 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: Revised fact sheet?

Here you go. If you have any other comments, please send to me by 2PM. The deadline isn't flexible. Thanks!

From: Taylor, Trish
Sent: Wednesday, January 10, 2018 12:22 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Revised fact sheet?

Hi Latosha and Patty,

Could you send me the draft version that USDA is looking at?

Thanks so much,
Trish

From: Taylor, Trish
Sent: Monday, January 08, 2018 5:27 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Materials

Thanks Latosha.

Deliberative Process / Ex. 5

From: Thomas, Latosha
Sent: Monday, January 08, 2018 5:09 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: FW: Materials

From: Subramanian, Hema
Sent: Monday, January 08, 2018 5:03 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: Materials

Per the context I mentioned on the call today...

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Sands, Jeffrey
Sent: Monday, January 08, 2018 4:31 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: FW: Materials

FYI

From: Bodine, Susan
Sent: Friday, January 5, 2018 6:15 PM
To: Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: RE: Materials

Attached are some edits to the fact sheet.

Deliberative Process / Ex. 5

Maybe add that to the Senate letter and share with Leahy staff as well.

I can take a crack at that.

From: Sands, Jeffrey
Sent: Friday, January 5, 2018 3:31 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Materials

Susan,

Given your interest and expertise on this issue, I wanted to share a fact sheet that OLEM has been working on as well as an email I received from the Region 1 Ag advisor regarding some correspondence from Sen. Leahy on CERCLA reporting.

Thanks.

Best,

Jeffrey Sands
Senior Advisor to the Administrator for Agriculture Policy
1200 Pennsylvania Ave, NW
2415 WJC North
Washington, DC 20460
(202) 564-2263

Message

From: Noggle, William [Noggle.William@epa.gov]
Sent: 10/6/2017 2:33:25 PM
To: Brooks, Becky [Brooks.Bekky@epa.gov]
Subject: FW: Updated routine agricultural operations Q&A

Becky,
Just a heads up that we may need Patrick to call over to Samantha to submit the Ag Q&A to OMB.

Thanks,
Bill

From: Rees, Sarah
Sent: Friday, October 06, 2017 10:32 AM
To: Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

I heard from Samantha this morning that she is checking on this – she is likely reaching out to Patrick and/or David F at OGC. But if Patrick doesn't hear from her soon he should reach out.

From: Noggle, William
Sent: Friday, October 06, 2017 10:30 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Sarah,
Would it help in expediting OP approval, if we had Patrick Davis call over to Brittany and/or Samantha?

Thanks,
Bill
202-566-1306

From: Rees, Sarah
Sent: Friday, October 06, 2017 8:51 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

Thanks Barbara - I've let Samantha and Brittany know this is coming. Haven't heard anything back yet but will keep on it.

Cheers,
Sarah

On Oct 6, 2017, at 8:49 AM, Hostage, Barbara <Hostage.Barbara@epa.gov> wrote:

Good morning, Sarah & Nicole.
Just wanted to let you know that The Q&A clarifying "routine agricultural operations" under EPCRA is attached and has been approved by Patrick Davis.

Both David Fotouhi and Susan Bodine concur.
Bill Noggle will be sending this to Nate shortly.
As I mentioned yesterday, OMB has requested the Q&A for review as early today as possible in order to allow us to meet our 10/16 deadline for posting on the internet.
Please let me know if you run into any delays.
Thank you for your help on this!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Davis, Patrick
Sent: Thursday, October 05, 2017 5:44 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

Message

From: Clark, Becki [Clark.Beki@epa.gov]
Sent: 11/21/2017 7:21:43 PM
To: Hilosky, Nick [Hilosky.Nick@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]
CC: Cheatham, Reggie [cheatham.reggie@epa.gov]
Subject: RE: Update re: NRC reporting

Great, thanks.

From: Hilosky, Nick
Sent: Tuesday, November 21, 2017 2:21 PM
To: Clark, Becki <Clark.Beki@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: RE: Update re: NRC reporting

Hi Becki – Thanks. I brought it to his attention but he’s been in meetings so probably hasn’t gotten a chance to delve into it yet.
Nick

From: Clark, Becki
Sent: Tuesday, November 21, 2017 2:02 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: FW: Update re: NRC reporting

Becky and Nick,
I forgot to copy you on this message to Barry. This is an issue we may have to elevate to resolve.

From: Clark, Becki
Sent: Tuesday, November 21, 2017 10:57 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Reggie Cheatham <Cheatham.Reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Irizarry, Gilberto <Irizarry.Gilberto@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: FW: Update re: NRC reporting

Barry,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

The current situation is this: when farmers call the NRC to report continuous air releases from animal waste at farms, they are told to hit option 2. They are then told that “... due to the overwhelming call volume... to complete the notification requirement, you must now email their information to nrc.cercla-eprca-report@uscg.mil...” Farmers are told “...calls will not be picked up outside of this automated message.”

Deliberative Process / Ex. 5

OEM and OGC have been in constant communication on this issue. We will be happy to fill you in more fully.

From: Lewis, Jen

Sent: Tuesday, November 21, 2017 10:14 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Michaud, John <Michaud.John@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>

Subject: Update re: NRC reporting

David,

Deliberative Process / Ex. 5

I'm copying OEM, so that they are up to speed on how I've characterized this. Reggie/Becki – please feel free to fill in anything I've missed.

I can give you a call at noon to discuss briefly.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Appointment

From: Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Sent: 4/23/2018 3:34:16 PM
To: Hill, Teresa [Hill.Teresa@epa.gov]; Kenely, Caroline [Kenely.Caroline@epa.gov]; Brooks, Becky [Brooks.Bekky@epa.gov]
Subject: Meeting with OMB and DOJ to discuss comments on Q&As for CERCLA and EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms (RIN 2050-ZA14) undergoing EO 12866 Interagency Review
Location: Conference Call
Start: 4/24/2018 6:30:00 PM
End: 4/24/2018 7:00:00 PM
Show Time As: Tentative

Conference Number / Ex. 6

Message

From: Brooks, Becky [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F369A2EF33E4A87AF349210A3915A57-BBROOKS]
Sent: 1/29/2018 4:34:59 PM
To: Taylor, Trish [Taylor.Trish@epa.gov]
Subject: FW: Privacy Q&A for CERCLA EPCRA website on animal waste emissions reporting requirements

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 9:31 AM
To: Sands, Jeffrey <sands.jeffrey@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Brooks, Becky <Brooks.Beky@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Privacy Q&A for CERCLA EPCRA website on animal waste emissions reporting requirements

All-OEM is planning to update the CERCLA website today to better organize the content and include additional Q&As. There are two questions that were previously reviewed and are included in the CERCLA EPCRA factsheet (so no review is necessary at this time):

- Why do I need to report?
- Why can't EPA tell me how many animals require reporting?

Deliberative Process / Ex. 5

I'd like to get this information posted today, so please respond by noon if you have any concerns. If you need more time, let me know.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972

Cellular Phone / Ex. 6

Follow OLEM on Twitter @EPALand

Message

From: Brooks, Becky [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F369A2EF33E4A87AF349210A3915A57-BBROOKS]
Sent: 10/5/2017 8:21:14 PM
To: Hill, Teresa [Hill.Teresa@epa.gov]; Kenely, Caroline [Kenely.Caroline@epa.gov]
Subject: Fwd: Updated routine agricultural operations Q&A
Attachments: Routine Agricultural Operations -QA_DRAFT 10-5-17.docx; ATT00001.htm

Please print the email and attachment for both Susan Bodine and Patrick Davis and give to them when the current meeting breaks up. Thank you.

Sent from my iPhone

Begin forwarded message:

From: "Lewis, Jen" <Lewis.Jen@epa.gov>
Date: October 5, 2017 at 3:59:28 PM EDT
To: "Davis, Patrick" <davis.patrick@epa.gov>
Cc: "Michaud, John" <Michaud.John@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>, "Noggle, William" <Noggle.William@epa.gov>, "Brooks, Becky" <Brooks.Bekky@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Hosford, Elizabeth (CIV)" <Elizabeth.Hosford@usdoj.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: Updated routine agricultural operations Q&A

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 12/1/2017 8:51:47 PM
To: Darwin, Veronica [darwin.veronica@epa.gov]
CC: Bolen, Brittany [bolen.brittany@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Sands, Jeffrey [sands.jeffrey@epa.gov]
Subject: Re: EXPEDITED WEB REVIEW - OEM REQUESTING CERCLA/EPCRA Animal Waste Webpage Changes Needed Today

This is fine. Thanks.

Sent from my iPhone

On Dec 1, 2017, at 3:44 PM, Darwin, Veronica <darwin.veronica@epa.gov> wrote:

David,
Are you OK with this? Thanks.

V.

From: Sands, Jeffrey
Sent: Thursday, November 30, 2017 6:19 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Darwin, Veronica <darwin.veronica@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: EXPEDITED WEB REVIEW - OEM REQUESTING CERCLA/EPCRA Animal Waste Webpage Changes Needed Today

Apologies for the delay.

What is provided below is consistent with what we've communicated to stakeholders. If David is OK with it, I would say it's fine from my perspective.

Thanks.

Sent from my iPhone

On Nov 30, 2017, at 3:46 PM, Brown, Byron <brown.byron@epa.gov> wrote:

He may already be aware but adding Jeff Sands just in case.

From: Darwin, Veronica
Sent: Thursday, November 30, 2017 3:03 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: FW: EXPEDITED WEB REVIEW - OEM REQUESTING CERCLA/EPCRA Animal Waste Webpage Changes Needed Today

Deliberative Process / Ex. 5

I had a small edit that I highlighted in yellow. Please let me know your thoughts.

Veronica

From: Colip, Matthew

Sent: Thursday, November 30, 2017 1:41 PM

To: Darwin, Veronica <darwin.veronica@epa.gov>; Breen, Barry
<Breen.Barry@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent
<Benjamin.Kent@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: EXPEDITED WEB REVIEW - OEM REQUESTING CERCLA/EPCRA Animal Waste
Webpage Changes Needed Today

Importance: High

Good afternoon,

Below are web changes OEM is requesting to make today to the CERCLA/EPCRA Animal
Waste website.

Please let me know if you have any comments or are OK to post and I'll coordinate with
OWC. These changes have been reviewed by OGC. Thanks, Matt

The Q/As being added are:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Fotouhi, David [fotouhi.david@epa.gov]
Sent: 7/5/2017 8:07:21 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Brown, Byron [brown.byron@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]
Subject: Update on CERCLA/EPCRA release reporting rule litigation and next steps

Ryan:

As you know, on April 11, 2017, the D.C. Circuit vacated EPA's Bush-era rule exempting farms from reporting releases of Ammonia and Hydrogen Sulfide from animals from EPCRA and CERCLA statutory reporting requirements. *Waterkeeper Alliance v. EPA*, No. 09-1017 (D.C. Cir.) (Apr. 11, 2017).

On Monday of this week, the DC Circuit denied the National Pork Producers Council's petition for rehearing of the decision. No judges called for a response to the petition from the other side before denying it. As such, we intend to file a motion to stay issuance of the court's mandate on **July 17, 2017**. Development of the motion and the supporting declaration is underway.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I would be glad to provide more details to you on these options and discuss this at your convenience.

Best,

David

Sent from my iPhone

Message

From: Brown, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9242D85C7DF343D287659F840D730E65-BROWN, BYRO]
Sent: 10/15/2017 10:35:11 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: RE:
Attachments: CCR and Farm Emissions Update-101217.docx; ATT00001.htm

The talking points in the farm emission issue are on second page and copied below. Do you me to send to Ray? If they are for public consumption will need to rework a bit.

CERCLA/EPCRA Statutory Reporting Requirement

- 2008 Final Rule
 - o In 2008, EPA published a final rule that exempted all farms that release hazardous substances from animal waste to the air that meet or exceed their reportable quantity from reporting under CERCLA §103. The rule also exempted farms other than CAFOs from reporting such releases under EPCRA §304.
- Court Decision
 - o The D.C. Circuit issued a decision vacating the 2008 rule on April 11, 2017. The court held that there was no ambiguity in CERCLA and EPCRA to allow for EPA's interpretation that it could promulgate a reporting exemption and that EPA's record did not support the rule.
 - o On July 3, 2017 the DC Circuit denied National Pork Producers Council's petition for rehearing
- Stay of the court's mandate
 - o DOJ filed a motion to delay issuance of the mandate on July 17. On August 16, the court granted EPA's motion to delay the mandate until November 14, 2017. The court allowed EPA to option to request an extension of the stay by October 30, 2017, which DOJ intends to request.
- Administrative Actions by EPA

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Brown, Byron" <brown.byron@epa.gov>
Date: October 12, 2017 at 6:29:15 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Fotouhi, David" <fotouhi.david@epa.gov>
Subject: RE:

Here they are.

-----Original Message-----

From: Jackson, Ryan

Sent: Thursday, October 12, 2017 11:38 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject:

Will you shoot me bullets on process for both CCR and CERCLA/EPCRA

Ryan Jackson

Chief of Staff

U.S. EPA

Personal Phone / Ex. 6

Message

From: Brown, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9242D85C7DF343D287659F840D730E65-BROWN, BYRO]
Sent: 10/6/2017 2:34:44 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]
Subject: FW: Updated routine agricultural operations Q&A

This is the most recent email I have on this saying Patrick Davis and Susan Bodine had reviewed but the attachment has been dropped off. David and OGC have been more involved in reviewing the substance.

From: Davis, Patrick
Sent: Thursday, October 5, 2017 5:44 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office

Ex. 6 PP

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the “cc” line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

Message

From: Brown, Byron [brown.byron@epa.gov]
Sent: 7/17/2017 3:28:56 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: Re: RE:

Deliberative Process / Ex. 5

Sent from my iPhone

> On Jul 17, 2017, at 11:25 AM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Deliberative Process / Ex. 5

> David Fotouhi
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> -----Original Message-----
> From: Brown, Byron
> Sent: Monday, July 17, 2017 11:18 AM
> To: Fotouhi, David <fotouhi.david@epa.gov>
> Subject: FW:

Deliberative Process / Ex. 5

> -----Original Message-----
> From: Jackson, Ryan
> Sent: Monday, July 17, 2017 11:01 AM
> To: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
> Subject: RE:
>
> text
>
> -----Original Message-----
> From: Brown, Byron
> Sent: Monday, July 17, 2017 11:01 AM
> To: Fotouhi, David <fotouhi.david@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> Subject: RE:
>
> I spoke to Susan this morning, and she has not heard of anyone working on an approps amendment or stand-alone legislation to fix this. She had talked with the cattlemen's association in April after the original decision came down but has not heard from them or any other ag groups on this since.
>
> -----Original Message-----
> From: Fotouhi, David
> Sent: Sunday, July 16, 2017 3:15 PM
> To: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
> Subject: RE:
>
> Will do.
>
> David Fotouhi
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> -----Original Message-----
> From: Jackson, Ryan

> Sent: Sunday, July 16, 2017 3:15 PM
> To: Fotouhi, David <fotouhi.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>
> Subject: RE:
>
> Let's write what we need. We need to get to the appropriators quickly.
>
> -----Original Message-----
> From: Fotouhi, David
> Sent: Sunday, July 16, 2017 3:13 PM
> To: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
> Subject: RE:
>
> Ryan:
>

Deliberative Process / Ex. 5

>
> I'd be glad to discuss further.
>
> Best,
>
> David
>
>
>
> David Fotouhi
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> -----Original Message-----
> From: Jackson, Ryan
> Sent: Sunday, July 16, 2017 10:08 AM
> To: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
> Subject:
>
> Would you gentlemen look at section 434 of the House proposed mark up vehicle to see if the issue we
talked about is already addressed?
>
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> **Ex. 6 PP**

Message

From: Brown, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9242D85C7DF343D287659F840D730E65-BROWN, BYRO]
Sent: 3/22/2018 7:03:01 PM
To: Noggle, William [Noggle.William@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]
Subject: RE: RQ Options

Thanks.

From: Noggle, William
Sent: Thursday, March 22, 2018 3:02 PM
To: Brown, Byron <brown.byron@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>
Subject: FW: RQ Options

Veronica, Byron,
This may be coming your way...

From: Noggle, William
Sent: Thursday, March 22, 2018 2:01 PM
To: Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Cc: Subramanian, Hema <Subramanian.Hema@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RQ Options

Sharon, Nate,
David Fotouhi is considering the options below on how to proceed with the RQ rule. I assume he'll be discussing with OLEM and OP senior management.

Thanks,
Bill

From: Gioffre, Patricia
Sent: Thursday, March 22, 2018 1:53 PM
To: Noggle, William <Noggle.William@epa.gov>
Subject: FW: Options

Here are the options.

Patty Gioffre
USEPA/OLEM/OEM/RID
202-564-1972

Ex. 6 PP

From: Lewis, Jen
Sent: Thursday, March 22, 2018 1:36 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: Options

I'll give you a call in a minute

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Lewis, Jen
Sent: Thursday, March 22, 2018 1:34 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>
Subject: Options

Here you go.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 1/8/2018 6:08:05 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]; Taylor, Trish [Taylor.Trish@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Hyman Moore, Julie [Hyman.Julie@epa.gov]; Roache, Brendan [Roache.Brendan@epa.gov]
Subject: RE: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste
Attachments: CERCLA EPCRA Factsheet 1-8-18_clean_revised.JSL.docx

Here you go.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Monday, January 08, 2018 12:15 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: RE: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste

Jen-Please review the attached revised document instead.
Thanks!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Jennings, Kim
Sent: Monday, January 08, 2018 11:25 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: RE: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste

Hi Jen,

We have further revised the factsheet based on comments from the Ad Advisor. Since you were still thinking about some changes, I am sending you this version to review and let me know if you have any additional comments.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Lewis, Jen
Sent: Thursday, January 04, 2018 3:46 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: RE: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste

I'm attaching Earl's and my comments to the fact sheet, as well as comments I had on the press release and the draft article. I did not review the comms plan again.

Deliberative Process / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Thomas, Latosha
Sent: Thursday, January 04, 2018 1:52 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste
Importance: High

Hi,

OPA needs the following comms materials ASAP once they've been approved/reviewed by everyone on this email. I've attached all of the latest communications materials for the animal waste rollout. The following materials are included:

- Communications plan
- Toolkit for states and ag associations (Toolkit includes: Facetweets, article/paragraph for their newsletters, one-page cheat sheet/FAQs, widget)
- PSA script
- Press release

All things that need review are bulleted below and/or highlighted

- Article/paragraph for state + ag associations newsletters
- Facetweets/Additional social media
- One-page cheat sheet/FAQs
- Press release **(does not need to be finalized today)**
- Widget language

Please send all comments to me by 2:30 today and CC everyone on this thread. Thanks so much for your assistance and cooperation!

Facetweets for Toolkit (Facebook posts + Tweets. Please be aware that any revisions to tweets must not go over 280 characters.)

Posts for toolkit that will be sent out by states + ag associations on their social media accounts prior to the Court issuing its mandate. Will not be sent by EPA.

Facebook Posts

- Many farmers with animal operations will soon be required to report emissions from animal waste. Visit epa.gov/animalwaste or call 1-800-424-9346 for tools on the new requirement.
- EPA has provided guidance to help farmers with animal operations comply with reporting requirements under CERCLA and EPCRA. Visit epa.gov/animalwaste or call 1-800-424-9346 for more info.

Tweets

- Visit epa.gov/animalwaste or call 1-800-424-9346 to get info about the new reporting requirements for farmers coming soon! #animalwaste
- #DYK EPA has guidance to help farmers with animal operations comply with reporting requirements under CERCLA & EPCRA? Visit epa.gov/animalwaste or call 1-800-424-9346. #animalwaste

Additional Social Media

Posts that will be sent by EPA to its social media accounts before the Court issues its mandate. Not sent by states.

- Many farms with animal operations across the country will soon be required to report emissions from animal waste. To learn more, visit <https://www.epa.gov/animalwaste> or call 1-800-424-9346.
- Many farms with animal operations will soon need to report emissions from animal waste. Online tools are available to livestock producers to determine if this requirement applies to them & help them comply with the law. <https://www.epa.gov/animalwaste>.

PSA Script

- *Many farms with animal operations across the United States will soon be required to report emissions from animal waste.*
- *EPA had exempted most farms from this requirement under the EPCRA and CERCLA laws but due to a recent lawsuit, the courts eliminated this exemption.*
- *EPA has tools to help livestock producers determine if this requirement applies to their operations and help them comply with the law.*
- *To learn more visit epa.gov/animalwaste or call 1-800-424-9346.*

Widget

Revised language: Many farms with animal operations will soon be required to report emissions from animal waste.

VERSION 1 – EPA seal & background image:



VERSION 2 – no image/shaded background:



VERSION 3 – small size:

**Air Emissions from
Agriculture**

Starting January 22,
many U.S. livestock
producers will be
required to report air
releases from animal
waste.

[Learn about this
requirement.](#)

Compliance assistance:
800-424-9346

Latosha Thomas
U.S. Environmental Protection Agency
Office of Emergency Management
(202) 564-2621 (desk)

Cellular Phone / Ex. 6

thomas.latosha@epa.gov

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 1/8/2018 5:02:03 PM
To: Subramanian, Hema [Subramanian.Hema@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]
CC: Sands, Jeffrey [sands.jeffrey@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: Latest comm strategy and factsheet

We can make these changes. I'll send a revised version shortly.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Subramanian, Hema
Sent: Monday, January 08, 2018 11:36 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: Latest comm strategy and factsheet

Many thanks, Kim, this looks great! My only remaining comments would be that it may help to also start the overview with, "Due to a recent court decision, farms will soon[...]"

Deliberative Process / Ex. 5

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Jennings, Kim
Sent: Monday, January 08, 2018 11:27 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Subramanian, Hema <Subramanian.Hema@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey

<sands.jeffrey@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: Latest comm strategy and factsheet

I just sent it to them to review. I wanted Hema to see it and make sure she was OK with how we incorporated her changes.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Grantham, Nancy
Sent: Monday, January 08, 2018 11:23 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Subramanian, Hema <Subramanian.Hema@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: Re: Latest comm strategy and factsheet

Does this need to go through ogc? Thx ng

Sent from my iPhone

On Jan 8, 2018, at 11:20 AM, Jennings, Kim <Jennings.Kim@epa.gov> wrote:

Hi Hema,

We have revised the factsheet based on your suggestions and comments. Please see attached and let me know if you have any questions or additional comments.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Subramanian, Hema
Sent: Friday, January 05, 2018 2:02 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: RE: Latest comm strategy and factsheet

In the interest of time, I'm attaching my track-changed suggestions for the factsheet here first (and then moving onto the comms strategy next).

I attempted to streamline/reduce words, go more plain language, and insert the framing we discussed. There are a couple of questions in comment bubbles. The main messages I'd call your attention to are:

Deliberative Process / Ex. 5

Thanks for being receptive, I hope this helps.
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Jennings, Kim
Sent: Friday, January 05, 2018 1:12 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: RE: Latest comm strategy and factsheet

Yes, that is correct.

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Grantham, Nancy
Sent: Friday, January 05, 2018 1:10 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Jennings, Kim <jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: RE: Latest comm strategy and factsheet

Yes . have just been told by olem that the one marked final is the most current version

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)

202-253-7056 (mobile)

From: Subramanian, Hema
Sent: Friday, January 05, 2018 12:41 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Latest comm strategy and factsheet

Just to make sure we're all on the same page about the right version, is the file (attached) named "CERCLA EPCRA Factsheet 1-4-18 final" the latest version of the factsheet?

FYI, the version Nancy sent me at 11:47 am is also attached here with the name "revised CERCLA EPCRA Farms Factsheet 1-4-18".

Deliberative Process / Ex. 5

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Jennings, Kim
Sent: Friday, January 05, 2018 11:57 AM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: RE: Latest comm strategy and factsheet

Hi Hema,

Trish sent the wrong version of the factsheet to Nancy. Here is the correct version.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jennings, Kim
Sent: Friday, January 05, 2018 11:40 AM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: Latest comm strategy and factsheet

FYI.

These also have been sent to Nancy. Please feel free to edit if you have any suggestions. You may want to include Nancy in any changes so she is aware you have seen it.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

<CERCLA EPCRA Factsheet 1-8-18 final draft.docx>

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 1/8/2018 4:33:34 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]
CC: Benjamin, Kent [Benjamin.Kent@epa.gov]
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Hi Nancy, -- based on comments from the Ag Advisor, the fact sheet was revised and is currently with OGC.

From: Grantham, Nancy
Sent: Monday, January 08, 2018 10:44 AM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: FW: ACTION CERCLA EPCRA Ag rule comms materials

Hi -- could we convene a quick comms call so we all are aware of what the next review steps are -- ogc ?

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)

Cellular Phone / Ex. 6

From: Subramanian, Hema
Sent: Monday, January 08, 2018 10:17 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Jeff set up a meeting with Robert Johansson at USDA for 2 pm today (with OLEM, OCIR), so if there are any materials ready to share by then, let us know. If not, the group can provide general background and discuss USDA role in outreach strategy.

Thank you,
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Grantham, Nancy
Sent: Friday, January 05, 2018 6:45 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Thanks

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)

Cellular Phone / Ex. 6

From: Subramanian, Hema
Sent: Friday, January 05, 2018 2:44 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Looked at the latest Comms strategy, but perhaps the same wording adjustments as in the factsheet could be applied to the external messaging in that document and the website.

For schedule, I think the main thing we discussed was trying to get the factsheet out to key contacts who will field questions (USDA field offices, Regions, States, etc.) before the PSA comes out (which may mean pushing the PSA back a bit). Here are my rough notes of how the sequence/order could go (but you can assign dates as appropriate).

1. Internal contacts
2. USDA
3. Congress Ag & Enviro committees/Senate letter authors
4. EPA website (just key Q&As)
 - a. www.epa.gov/animalwaste
 - b. www.epa.gov/agriculture (Ginah Mortenson)
5. 1-pager factsheet - post on website and send to/notify key contacts (USDA/Regions/States/stakeholder associations/etc.)
6. PSA
7. The rest of EPA website updates, Press Release, social media
8. Toolkit
 - Facebook post, tweet, article paragraph
9. The rest of the notifications
10. Video on filling out form, and related comms

I have to jump onto another time sensitive project, but I hope this helps. Please let me know if I can help further.
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Subramanian, Hema
Sent: Friday, January 05, 2018 2:25 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Deliberative Process / Ex. 5

From: Subramanian, Hema
Sent: Friday, January 05, 2018 2:18 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Inserted some suggestions for the comms blurbs below in green.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Jennings, Kim
Sent: Friday, January 05, 2018 11:40 AM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: FW: ACTION CERCLA EPCRA Ag rule comms materials

Hi,

FYI, here is the latest which went to Nancy. Please feel free to edit if you have any suggestions. You may want to include Nancy in any changes so she is aware you have seen it.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division

From: Taylor, Trish
Sent: Friday, January 05, 2018 11:20 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>
Subject: FW: ACTION CERCLA EPCRA Ag rule comms materials

Hi Nancy,

I just received an email from Kim Jennings letting me know that she is on the phone with the Ag Advisor and his office has agreed to her recent changes below, in red.

Thanks,
Trish

From: Jennings, Kim
Sent: Friday, January 05, 2018 11:07 AM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>
Subject: RE: ACTION CERCLA EPCRA Ag rule comms materials

Hi Trish,

Patty and Latosha are out today. When is the call, I don't have an invitation for it.

I am OK with the materials attached. Regarding the material below, in light of conversations yesterday, perhaps we should make the following edits to make clear this is not an EPA action or new regulation:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 1/8/2018 4:25:26 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]; Taylor, Trish [Taylor.Trish@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Hyman Moore, Julie [Hyman.Julie@epa.gov]; Roache, Brendan [Roache.Brendan@epa.gov]
Subject: RE: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste
Attachments: CERCLA EPCRA Factsheet 1-8-18 final draft.docx

Hi Jen,

We have further revised the factsheet based on comments from the Ad Advisor. Since you were still thinking about some changes, I am sending you this version to review and let me know if you have any additional comments.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Lewis, Jen
Sent: Thursday, January 04, 2018 3:46 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: RE: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste

I'm attaching Earl's and my comments to the fact sheet, as well as comments I had on the press release and the draft article. I did not review the comms plan again.

I have some additional comments generally –

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Thomas, Latosha

Sent: Thursday, January 04, 2018 1:52 PM

To: Taylor, Trish <Taylor.Trish@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Subject: NEEDS FINAL REVIEW ASAP: Draft Comms Materials for Animal Waste

Importance: High

Hi,

OPA needs the following comms materials ASAP once they've been approved/reviewed by everyone on this email.

I've attached all of the latest communications materials for the animal waste rollout. The following materials are included:

- Communications plan
- Toolkit for states and ag associations (Toolkit includes: Facetweets, article/paragraph for their newsletters, one-page cheat sheet/FAQs, widget)
- PSA script
- Press release

All things that need review are bulleted below and/or highlighted

- Article/paragraph for state + ag associations newsletters
- Facetweets/Additional social media
- One-page cheat sheet/FAQs
- Press release **(does not need to be finalized today)**
- Widget language

Please send all comments to me by 2:30 today and CC everyone on this thread. Thanks so much for your assistance and cooperation!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Latosha Thomas
U.S. Environmental Protection Agency
Office of Emergency Management
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

Message

From: Thomas, Latosha [Thomas.Latosha@epa.gov]
Sent: 1/11/2018 4:01:45 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
CC: Cheatham, Reggie [cheatham.reggie@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]
Subject: RE: URGENT: Revised CERCLA EPCRA Factsheet

Thanks all! Sending to OPA now.

From: Jennings, Kim
Sent: Thursday, January 11, 2018 11:01 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: URGENT: Revised CERCLA EPCRA Factsheet

Thanks Erik. We have adjusted that reference to point to the resources section on the website. We are trying to keep the regulatory language and citations out of the factsheet to make it easier for farm owners and operators to follow.

Attached is the final version.

Latosha this is good to go.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Swenson, Erik
Sent: Thursday, January 11, 2018 10:52 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: RE: URGENT: Revised CERCLA EPCRA Factsheet

One minor comment attached.

From: Jennings, Kim
Sent: Thursday, January 11, 2018 10:40 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: URGENT: Revised CERCLA EPCRA Factsheet

Hi Jen,

I am working on incorporating these changes now (and the comment from Hema) and sending to our communication folks.

Earl and Erik, please let me know ASAP if you have any comments on top of Jen's comments.

Thanks all.

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Lewis, Jen

Sent: Thursday, January 11, 2018 10:25 AM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>

Subject: RE: Revised CERCLA EPCRA Factsheet

Sending these before I've coordinated w/ Erik and Earl, in the interest of time.

Erik & Earl – if you haven't already reviewed, feel free to put your comments on top of mine.

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

From: Gioffre, Patricia

Sent: Thursday, January 11, 2018 9:46 AM

To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>

Subject: Revised CERCLA EPCRA Factsheet

Kim and I made several revisions to respond to USDA comments. Need OGC approval to send a final version forward to the communications office ASAP.

Thanks for your assistance!

Patty Gioffre

USEPA (OLEM/OEM)

1200 Pennsylvania Ave. NW (5104A)

Washington, DC 20460

202-564-1972

202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 1/11/2018 4:00:51 PM
To: Swenson, Erik [Swenson.Erik@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]
Subject: URGENT: Revised CERCLA EPCRA Factsheet
Attachments: CERCLA EPCRA Factsheet 1-11-18 FINAL.docx

Thanks Erik. We have adjusted that reference to point to the resources section on the website. We are trying to keep the regulatory language and citations out of the factsheet to make it easier for farm owners and operators to follow.

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Latosha this is good to go.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Swenson, Erik
Sent: Thursday, January 11, 2018 10:52 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: RE: URGENT: Revised CERCLA EPCRA Factsheet

One minor comment attached.

From: Jennings, Kim
Sent: Thursday, January 11, 2018 10:40 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: URGENT: Revised CERCLA EPCRA Factsheet

Hi Jen,

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Earl and Erik, please let me know ASAP if you have any comments on top of Jen's comments.

Thanks all.
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Lewis, Jen
Sent: Thursday, January 11, 2018 10:25 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: RE: Revised CERCLA EPCRA Factsheet

Sending these before I've coordinated w/ Erik and Earl, in the interest of time.

Erik & Earl – if you haven't already reviewed, feel free to put your comments on top of mine.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Thursday, January 11, 2018 9:46 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Revised CERCLA EPCRA Factsheet

Kim and I made several revisions to respond to USDA comments. Need OGC approval to send a final version forward to the communications office ASAP.
Thanks for your assistance!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Swenson, Erik [Swenson.Erik@epa.gov]
Sent: 1/11/2018 3:52:26 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]
Subject: RE: URGENT: Revised CERCLA EPCRA Factsheet
Attachments: CERCLA EPCRA Factsheet 1-11-18_clean.JSLess.docx

One minor comment attached.

From: Jennings, Kim
Sent: Thursday, January 11, 2018 10:40 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: URGENT: Revised CERCLA EPCRA Factsheet

Hi Jen,

I am working on incorporating these changes now (and the comment from Hema) and sending to our communication folks.

Earl and Erik, please let me know ASAP if you have any comments on top of Jen's comments.

Thanks all.
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Lewis, Jen
Sent: Thursday, January 11, 2018 10:25 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: RE: Revised CERCLA EPCRA Factsheet

Sending these before I've coordinated w/ Erik and Earl, in the interest of time.

Erik & Earl – if you haven't already reviewed, feel free to put your comments on top of mine.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia

Sent: Thursday, January 11, 2018 9:46 AM

To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>

Subject: Revised CERCLA EPCRA Factsheet

Kim and I made several revisions to respond to USDA comments. Need OGC approval to send a final version forward to the communications office ASAP.

Thanks for your assistance!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 1/11/2018 3:25:11 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]
Subject: RE: Revised CERCLA EPCRA Factsheet
Attachments: CERCLA EPCRA Factsheet 1-11-18_clean.JSL.docx

Sending these before I've coordinated w/ Erik and Earl, in the interest of time.

Erik & Earl – if you haven't already reviewed, feel free to put your comments on top of mine.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Thursday, January 11, 2018 9:46 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Revised CERCLA EPCRA Factsheet

Kim and I made several revisions to respond to USDA comments. Need OGC approval to send a final version forward to the communications office ASAP.
Thanks for your assistance!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Roache, Brendan [Roache.Brendan@epa.gov]
Sent: 11/10/2017 9:14:52 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
CC: Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Hyman Moore, Julie [Hyman.Julie@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: Fwd: IMPORTANT: CERCLA website revisions
Attachments: CERCLA website guidance - revisions_11-9-17.docx; ATT00001.htm

Hi, Eileen,

I know that you do not have a work issues phone, so you may not see this until you're back in a working status. However, we need to get the attached document posted to the website ASAP. Attached is the updated CERCLA/EPCRA guidance for farms to reflect the changes made to the CERCLA continuous release reporting to the NRC.

Please let me know when you've received this request.

Thank you.
Brendan

Begin forwarded message:

From: "Clark, Becki" <Clark.Beki@epa.gov>
Date: November 10, 2017 at 1:18:37 PM EST
To: "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Roache, Brendan" <Roache.Brendan@epa.gov>, "Cheatham, Reggie" <cheatham.reggie@epa.gov>
Subject: Fwd: IMPORTANT: CERCLA website revisions

Kim/Patty/Brendan,
Heads up that there has been a flurry of activity regarding the ag guidance today:
-Reggie got a call from Dana Tulis this morning about the large number of calls NRC has received (700 since yesterday);
- I asked Barry and Jeff Sands for expedited review to our revisions to the website;
- I talked to Jeff and he is reviewing it now.

Assuming he has no concerns, we would like to post the revisions today if we can. Is this possible, and who do we have to enlist to do this? Please get back to us when you see this message. Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Clark, Becki" <Clark.Beki@epa.gov>
Date: November 10, 2017 at 12:32:35 PM EST
To: "Breen, Barry" <Breen.Barry@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>
Cc: "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Brooks, Becky" <Brooks.Beky@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Salo, Earl"

<Salo.Earl@epa.gov>

Subject: Fwd: IMPORTANT: CERCLA website revisions

With the attachment. Requesting to post revisions to website today.

Sent from my iPad

Begin forwarded message:

From: "Jennings, Kim" <Jennings.Kim@epa.gov>
Date: November 9, 2017 at 5:10:31 PM EST
To: "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Clark, Becki" <Clark.Beki@epa.gov>
Cc: "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>
Subject: IMPORTANT: CERCLA website revisions

Hi Reggie and Becki,

We have worked with OGC and the folks in RID to revise the CERCLA/EPCRA guidance for farms to reflect the changes we are making to the CERCLA continuous release reporting to the NRC (see attached revisions). OGC will work with their management to get approval. Could you take a look and let me know if you have any comments and also send to Barry and Jeff Sands (the new Ag Advisor) for their comment and approval. PARMS is also working with OP regarding what, if any, OMB approval is needed.

We are hoping to get approvals on Monday as early as possible so we can get it on our webpage as soon as the system is ready.

BTW, we have our EPA email box and have provided it to the NRC. They have their email and the system set up and are testing it. It all should be ready by early next week.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

Message

From: Clark, Becki [Clark.Beki@epa.gov]
Sent: 11/10/2017 9:03:41 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Roache, Brendan [Roache.Brendan@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: Re: IMPORTANT: CERCLA website revisions

Kim,
Thanks. I think we are good to proceed forward now.

Eileen,
Please post as soon as possible. Thank you!

Sent from my iPhone

On Nov 10, 2017, at 3:41 PM, Jennings, Kim <Jennings.Kim@epa.gov> wrote:

Eileen has been putting all materials on the web for us. I have cc'ed her on this email.

Thanks,
Kim

On Nov 10, 2017, at 1:18 PM, Clark, Becki <Clark.Beki@epa.gov> wrote:

Kim/Patty/Brendan,
Heads up that there has been a flurry of activity regarding the ag guidance today:
-Reggie got a call from Dana Tulis this morning about the large number of calls NRC has received (700 since yesterday);
- I asked Barry and Jeff Sands for expedited review to our revisions to the website;
- I talked to Jeff and he is reviewing it now.

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Sent from my iPhone

Begin forwarded message:

From: "Clark, Becki" <Clark.Beki@epa.gov>
Date: November 10, 2017 at 12:32:35 PM EST
To: "Breen, Barry" <Breen.Barry@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>
Cc: "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>
Subject: Fwd: IMPORTANT: CERCLA website revisions

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Sent from my iPad

Begin forwarded message:

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To: "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Clark, Becki" <Clark.Beki@epa.gov>
Cc: "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>
Subject: **IMPORTANT: CERCLA website revisions**

Hi Reggie and Becki,

We have worked with OGC and the folks in RID to revise the CERCLA/EPCRA guidance for farms to reflect the changes we are making to the CERCLA continuous release reporting to the NRC (see attached revisions). OGC will work with their management to get approval. Could you take a look and let me know if you have any comments and also send to Barry and Jeff Sands (the new Ag Advisor) for their comment and approval. PARMS is also working with OP regarding what, if any, OMB approval is needed.

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BTW, we have our EPA email box and have provided it to the NRC. They have their email and the system set up and are testing it. It all should be ready by early next week.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of
Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

<CERCLA website guidance - revisions_11-9-17.docx>

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 11/10/2017 7:46:05 PM
To: Cheatham, Reggie [cheatham.reggie@epa.gov]
Subject: Re: IMPORTANT: CERCLA website revisions

Reggie,

Attorney Client / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

On Nov 10, 2017, at 1:25 PM, Cheatham, Reggie <cheatham.reggie@epa.gov> wrote:

David

We need OGC support to get this out. John, Jen, and Earl have worked hand in hand with us on this.

We are asking to expedite posting revisions to our ag guidance website this asap, today if possible. The NRC has received about 700 calls from farmers since yesterday.

Please reply to all.

Thanks

Reggie Cheatham, Director
Office of Emergency Management
202/564-8003(w) Cellular Phone / Ex. 6 (c)
cheatham.reggie @epa.gov
Doris Williams, Executive Assistant
202/564-0053

Begin forwarded message:

From: "Clark, Becki" <Clark.Beki@epa.gov>
Date: November 10, 2017 at 12:32:35 PM EST
To: "Breen, Barry" <Breen.Barry@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>
Cc: "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Brooks, Becky" <Brooks.Beky@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>
Subject: Fwd: IMPORTANT: CERCLA website revisions

With the attachment. Requesting to post revisions to website today.

Sent from my iPad

Begin forwarded message:

From: "Jennings, Kim" <Jennings.Kim@epa.gov>
Date: November 9, 2017 at 5:10:31 PM EST
To: "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Clark, Becki" <Clark.Beki@epa.gov>
Cc: "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>
Subject: **IMPORTANT: CERCLA website revisions**

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Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

<CERCLA website guidance - revisions_11-9-17.docx>

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 11/9/2017 8:15:29 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Salo, Earl [Salo.Earl@epa.gov]; Michaud, John [Michaud.John@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]
Subject: RE: CERCLA web guidance - overall edits- OEM responses
Attachments: CERCLA website guidance - email edits_PG.JSL.docx

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Thursday, November 09, 2017 2:55 PM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>
Subject: RE: CERCLA web guidance - overall edits- OEM responses

And now with the attachment.

Erik,
Thanks for drafting these revisions. Sicy, Vanessa, Kim and I went through and are suggesting changes to simplify the edits. Please take a look and let us know if you have any additional edits. I am available to discuss, as needed.

We plan to distribute these revisions to senior policy leaders and will probably need to run these through our policy/reg group to see if others need to review. Please respond as soon as you are able-we'd like to have these revisions live when the NRC is ready to implement their email notification system.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
Cellular Phone / Ex. 6 (cell)

From: Swenson, Erik
Sent: Thursday, November 09, 2017 12:27 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy

<Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>

Cc: Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>

Subject: CERCLA web guidance - overall edits

Patty, I know you all are working on the alert boxes, but I've attached some edits to the entirety of the guidance to reflect the email option.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 11/9/2017 7:54:39 PM
To: Swenson, Erik [Swenson.Erik@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Salo, Earl [Salo.Earl@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Michaud, John [Michaud.John@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]
Subject: RE: CERCLA web guidance - overall edits- OEM responses
Attachments: CERCLA website guidance - email edits_PG.docx

And now with the attachment.

Erik,
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We plan to distribute these revisions to senior policy leaders and will probably need to run these through our policy/reg group to see if others need to review. Please respond as soon as you are able-we'd like to have these revisions live when the NRC is ready to implement their email notification system.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972

Cellular Phone / Ex. 6

 (cell)

From: Swenson, Erik
Sent: Thursday, November 09, 2017 12:27 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>
Subject: CERCLA web guidance - overall edits

Patty, I know you all are working on the alert boxes, but I've attached some edits to the entirety of the guidance to reflect the email option.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 11/16/2017 7:50:15 PM
To: Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: EPCRA/ CERCLA AIR EMISSIONS REPORTING. NEW INFORMATION

FYI.

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Rodrigues, Cecil
Sent: Thursday, November 16, 2017 2:48 PM
To: grhostette@pa.gov; michael.scuse@state.de.us; joe.bartenfelder@maryland.gov; rredding@pa.gov; basil.gooden@governor.virginia.gov; kleonhardt@wvda.us; Jennings, Kim <Jennings.Kim@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Lewis, Jacqueline <Lewis.Jacqueline@epa.gov>; Shenk, Kelly <shenk.kelly@epa.gov>; austin.short@state.de.us; kenneth.bounds@state.de.us; Megan.Seibel@governor.virginia.gov
Cc: lisa.wildermuth@state.de.us; deborah.proud@maryland.gov; nmccrone@pa.gov; Desire.Branch-Ellis@governor.virginia.gov; RGothard@wvda.us; Reames, Lindsay (GOV) <Lindsay.Reames@governor.virginia.gov>; Brown, Karl <kbrown@pa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: EPCRA/ CERCLA AIR EMISSIONS REPORTING. NEW INFORMATION

All, we want to keep you informed of new information as it becomes available regarding the EPCRA/CERCLA air emissions reporting requirements. Last night EPA updated its website to include the following information:

"Farms with continuous releases do not have to submit their initial continuous release notification until the DC Circuit Court of Appeals issues its order, or mandate, enforcing the Court's opinion of April 11, 2017. **No reporting is necessary until the mandate is issued.**

- **Once the mandate is issued, farms should submit an initial continuous release notification to the National Response Center for qualifying releases that occur within a 24-hour period.**
- To expedite your initial continuous release notification to the National Response Center, you may use the temporary email option. This option avoids potential large call volumes and delays. It allows one email notification for owners/operators with multiple farms."

The new information is in the red "Attention!" box at the top of the webpage at the following link:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

We appreciate your understanding and patience as we work through these new reporting requirements. And I'll continue to keep you updated with any new information as we move forward. Please call with any questions.

Thanks. Cecil
Cecil Rodrigues
Deputy Regional Administrator
EPA Region III (3RA00)

1650 Arch Street
Philadelphia, PA 19103
215.814.2683
IPhone:215.266.2960

Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 11/15/2017 8:12:54 PM
To: Cheatham, Reggie [cheatham.reggie@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Clark, Becki [Clark.Beki@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
Subject: RE: What do you need from us this morning?

OK. I'll make these changes, but leave out the **Deliberative Process / Ex. 5**

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Cheatham, Reggie
Sent: Wednesday, November 15, 2017 3:02 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Subject: RE: What do you need from us this morning?

Becki and I are good with this version....do what you have to do

Thanks

Reggie Cheatham, Director
Office of Emergency Management, USEPA
202.564.8003 (O); 202.689.9400 (M);
cheatham.reggie@epa.gov
Doris Williams, Executive Assistant
202.564.0053

From: Gioffre, Patricia
Sent: Wednesday, November 15, 2017 2:37 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Subject: RE: What do you need from us this morning?

Jen's suggestion is good.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Reggie/Becki-Can one of you take a look at these changes and confirm that you approve these edits. Eileen can make the changes after we hear back from you.

Thanks all!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Lewis, Jen
Sent: Wednesday, November 15, 2017 2:30 PM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Subject: RE: What do you need from us this morning?

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Swenson, Erik
Sent: Wednesday, November 15, 2017 2:29 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
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Deliberative Process / Ex. 5

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202-564-1972

202-748-7139 (cell)

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Deliberative Process / Ex. 5

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To: Mayer, Eileen [Mayer.Eileen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
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To: Lewis, Jen [Lewis.Jen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
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Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: What do you need from us this morning?

Do you expect to update the FAQs today to reflect some of the questions in the Sharepoint site? If so, I'll ask Erik and Earl to focus on getting those in shape.

Deliberative Process / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Wednesday, November 15, 2017 9:38 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
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I've looped in Eileen who is our web editor. We can work with her today to make additional revisions.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Lewis, Jen
Sent: Wednesday, November 15, 2017 9:20 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: What do you need from us this morning?

Deliberative Process / Ex. 5

How else can we help?

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 11/15/2017 7:28:53 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
Subject: RE: What do you need from us this morning?

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Mayer, Eileen
Sent: Wednesday, November 15, 2017 2:28 PM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Subject: RE: What do you need from us this morning?

Deliberative Process / Ex. 5

I'll post these once I get the OK from OEM management.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Swenson, Erik
Sent: Wednesday, November 15, 2017 2:14 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: What do you need from us this morning?

Patty et al., attached are edits to the CERCLA webpage. You will see there are a few optional sentences for OEM to consider including or not.

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Sent: Wednesday, November 15, 2017 10:46 AM

To: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
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Deliberative Process / Ex. 5

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We will continue to monitor the guidance comment email account for similar emails.

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202-748-7139 (cell)

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Deliberative Process / Ex. 5

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Subject: What do you need from us this morning?

Deliberative Process / Ex. 5

How else can we help?

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Swenson, Erik [Swenson.Erik@epa.gov]
Sent: 11/15/2017 7:14:29 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: What do you need from us this morning?
Attachments: CERCLA web guidance - edits 11.15.17 v.3.docx

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Deliberative Process / Ex. 5

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From: Lewis, Jen
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To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
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Deliberative Process / Ex. 5

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From: Lewis, Jen
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Subject: What do you need from us this morning?

Deliberative Process / Ex. 5

How else can we help?

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Swenson, Erik [Swenson.Erik@epa.gov]
Sent: 10/25/2017 3:26:48 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Noggle, William [Noggle.William@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Hull, George [Hull.George@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]
Subject: RE: CERCLA Web formatted guidance
Attachments: Clean copy of web text 10-25-17_PG edits_ess.docx; EO12866_EPCRA Ag Reporting_2050-ZA12_FinalPolicy_EPCRA_passback_10.23.20...ess.docx

Deliberative Process / Ex. 5

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 8:58 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: CERCLA Web formatted guidance

All-

This is a clean version of the CERCLA guidance that our web editor modified to make it web-friendly. Please take a look and let me know if you have any concerns (**preferably before the 10 am conference call with OMB**). We will likely need to run this past OMB before final approval.

I need to hear back from OGC with edits or an approval so we can get this through internal reviews quickly. Please reply all with any edits.

Thanks!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/12/2017 2:53:59 PM
To: Clark, Becki [Clark.Becki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
Subject: Update on CERCLA 103 Farm Emissions Guidance

Importance: High

Deliberative Process / Ex. 5

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Indermark, Michele [Indermark.Michele@epa.gov]
Sent: 8/14/2017 3:39:35 PM
To: Principe, Vanessa [Principe.Vanessa@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA/EPCRA reporting requirement for farms
Attachments: RE: CERCLA/EPCRA reporting requirement for farms

Hi Reggie and Becki,

With Reggie's guidance, I put together the attached draft email to send in response to this string from David Foutouhi and Patrick Davis.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Principe, Vanessa
Sent: Friday, August 11, 2017 12:02 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA/EPCRA reporting requirement for farms

Michele,

Understand Reggie is not responding till Monday. However, here's some information/suggested response in case you are pressed for it today.

Status/Information:

Deliberative Process / Ex. 5

- We reached out to folks in OEM, OLEM IO, OGC, and OECA who have background on this subject and would be able to contribute documents/make suggestions on potential approaches [Gerain Cogliano, Sicy Jacob, Patricia Gioffre, Eric Swenson, Earl Salo, Dean Ziegel, Kathy Franklin, Tim Sullivan, Barbara Hostage, Chris Prins, Lynn Beasley]
- A meeting has already been scheduled for Tuesday, 8/15 at 1:00 pm [WJC North 6528, call in number: 866-299-
Conference Number / Ex. 6]

My suggested response to Fotouhi/Davis' inquiry:

- We have been working on the steps discussed with the Administrator last month.
- Kim Jennings is the POC.

Deliberative Process / Ex. 5

Let me know if you need anything else today.

Thanks, V

From: Indermark, Michele
Sent: Friday, August 11, 2017 11:18 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: RE: CERCLA/EPCRA reporting requirement for farms

Talked to Reggie; he's not going to respond until Monday. Take your time getting information together. That will also give you a chance to talk to Kim and/or Patty as well.

From: Indermark, Michele
Sent: Friday, August 11, 2017 10:31 AM
To: Principe, Vanessa <principe.vanessa@epa.gov>
Subject: FW: CERCLA/EPCRA reporting requirement for farms

Vanessa – heads up...

From: Davis, Patrick
Sent: Thursday, August 10, 2017 11:37 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: Re: CERCLA/EPCRA reporting requirement for farms

Hi David,

I am in Santa Fe With DOE on Friday. Reggie Cheatham, copied here, can give us an update on the administrative steps. A working group is a good idea.

Reggie, who should lead this working group?

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office

Cellular Phone / Ex. 6

 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Aug 10, 2017, at 7:11 PM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Patrick:

I just wanted to touch base with you w/r/t the administrative steps on the CERCLA/EPCRA statutory reporting requirement for farms. Although the court in the *Waterkeeper* case has not yet ruled on our motion to delay the mandate, I think it makes sense for us to continue work on the administrative steps we discussed with the Administrator last month. My folks in SWERLO tell me that Kim Jennings in your shop may be heading up this effort. Is that correct?

SWERLO did not have a good sense of the progress made by the program thus far when I spoke with them today. Would it be helpful if we tried to arrange weekly or bi-weekly working group meetings (such as those currently taking place on the WOTUS rulemaking) to make sure we're staying on track with the development of the guidance and rules?

Let me know if you have a few minutes to discuss tomorrow. Thanks!

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

To: Principe, Vanessa [Principe.Vanessa@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
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Deliberative Process / Ex. 5

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Sent from my iPhone

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Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 5/30/2017 10:57:59 AM
To: Michaud, John [Michaud.John@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: CERCLA/EPCRA REPORTING FOR FARMS
Attachments: CERCLA-EPCRA Farms - Status and Options 5-26-17.docx

Hi John,

Deliberative Process / Ex. 5

Also, adding in my Deputy, Vanessa Principe.

Is there a call in number?

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

-----Original Appointment-----

From: Michaud, John
Sent: Monday, May 22, 2017 11:06 AM
To: Michaud, John; Cheatham, Reggie; Jennings, Kim; Salo, Earl; Swenson, Erik
Subject: CERCLA/EPCRA REPORTING FOR FARMS
When: Thursday, June 01, 2017 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN7346/DC-Ariel-Rios-OGC
Importance: High

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 10/20/2017 5:03:56 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: CERCLA Section 103-Response to Interagency comments
Attachments: Interagency 0.2_CERCLA 103 Reporting Guidance for Farms_10.18.2017_OEM_rev.docx

Just a few comments, which hopefully you can find in the doc.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Friday, October 20, 2017 12:46 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: CERCLA Section 103-Response to Interagency comments
Importance: High

Jen-
Take a look at the revised version of the CERCLA 103 guidance.

A couple of points to highlight:

Deliberative Process / Ex. 5

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 10/25/2017 11:02:23 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Taylor, Trish [Taylor.Trish@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Janifer, Pamela [Janifer.Pamela@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
CC: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Hull, George [Hull.George@epa.gov]; Gerardin, Margaret [Gerardin.Margaret@epa.gov]
Subject: RE: OMB concluded review -- EPCRA CERCLA Ag Guidance Update

Thanks.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Grantham, Nancy
Sent: Wednesday, October 25, 2017 6:38 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: OMB concluded review -- EPCRA CERCLA Ag Guidance Update

All – we will be sending the press release first thing tomorrow morning. We presume the web will be live by 9 a.m. thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Jennings, Kim
Sent: Wednesday, October 25, 2017 6:34 PM
To: Noggle, William <Noggle.William@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Grantham,

Nancy <Grantham.Nancy@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>

Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: RE: OMB concluded review -- EPCRA CERCLA Ag Guidance Update

Eileen,

Please let me know when the website is live.

Trish,

Please let me know when the press release has been sent.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Noggle, William

Sent: Wednesday, October 25, 2017 6:30 PM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Brooks, Becky <Brooks.Beky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>

Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: OMB concluded review -- EPCRA CERCLA Ag Guidance Update

OMB concluded review...

OMB has concluded review of Environmental Protection Agency's Guidance on EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste (2050-AZ12) with a finding of consistent with change. Thank you for your hard work on this matter, I look forward to working with you in the future.

Please let me know if you have any questions,

All the best,

Brandon De Bruhl

Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget (OMB)

(Cell) 202-395-0710, (Office) x50710, and (E-mail) bdebruhl@omb.eop.gov

From: Gioffre, Patricia

Sent: Wednesday, October 25, 2017 4:17 PM

To: Brooks, Becky <Brooks.Becky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>

Cc: Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: EPCRA CERCLA Ag Guidance Update

We are close to concluding review with OMB. Once we receive an email from OMB that officially concludes review, we will be able to distribute the press release and allow the website to go live.

Please stay tuned.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

Message

From: Principe, Vanessa [Principe.Vanessa@epa.gov]
Sent: 6/7/2017 4:54:10 PM
To: Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Clark, Becki [Clark.Beki@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Wilson, Gregory [Wilson.Gregory@epa.gov]
Subject: RE: Options for dealing with Waterkeeper
Attachments: Waterkeeper v EPA - background and options memo 5.31.17_OEM_VP_PG_kjj 6-....docx

Earl,

Attached are our comments on the options. Let us know if you have any questions/concerns.

Teleworking today – can be reached via email or at 202-538-9347.

Thanks, V

From: Salo, Earl
Sent: Wednesday, June 07, 2017 10:40 AM
To: Clark, Becki <Clark.Beki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Swenson, Erik <Swenson.Erik@epa.gov>
Subject: Options for dealing with Waterkeeper

Attached, I made some revisions to the discussion of options, to reflect our meeting with Barry. I'd appreciate any comments or suggestions you have, thanks.

Earl Salo
Assistant General Counsel for Superfund
Office of General Counsel
Environmental Protection Agency

Message

From: Salo, Earl [Salo.Earl@epa.gov]
Sent: 6/7/2017 2:40:09 PM
To: Clark, Becki [Clark.Beki@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Swenson, Erik [Swenson.Erik@epa.gov]
Subject: Options for dealing with Waterkeeper
Attachments: Waterkeeper v EPA - background and options memo 5.31.17_OEM (003).docx

Attached, I made some revisions to the discussion of options, to reflect our meeting with Barry. I'd appreciate any comments or suggestions you have, thanks.

Earl Salo
Assistant General Counsel for Superfund
Office of General Counsel
Environmental Protection Agency

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 9/28/2017 4:35:22 PM
To: Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Noggle, William [Noggle.William@epa.gov]
Subject: OGC Review- Revised Q&A on EPCRA 304 reporting for routine ag ops
Attachments: EPCRA Section 304 Q A 09 28 2017_revised.docx

Importance: High
Flag: Follow up

Erik/Jen/Jon/Earl-

We have received comments from the OLEM front office and made revisions to the interpretive Q&A on routine agricultural operations. See attached.

We are requesting OGC input today so that we can move this forward through the process. OMB is requesting a chance to review on Monday.

Deliberative Process / Ex. 5

Please call me with any questions concerns.

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Hostage, Barbara [Hostage.Barbara@epa.gov]
Sent: 1/12/2018 5:10:42 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: OMB Review of Revised CERCLA EPCRA Website

Thank you!!!

From: Cogliano, Gerain
Sent: Friday, January 12, 2018 12:09 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: OMB Review of Revised CERCLA EPCRA Website

Hi all,

I want to let you know, especially if it comes up today, that OMB wants to review the revisions to the website: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms. As you may recall, OMB reviewed the website info/Qs&As prior to updating the website on 10/25/2017 based on the Court's vacatur of the administrative reporting exemption. We sought public comment via the website on information provided and any information that should be added. OMB would now like to review our revisions. This review would need to occur next week and end by nlt 1/22 (the day the Court is expected to issue its mandate). If we do not believe the website information warrants OMB review, then OMB wants a non-significant determination briefing so they can decide; **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Bill Nickerson (OP) has advised that if we do not believe OMB review is warranted, then we should raise to political management for their input and ultimately informing OMB.

Gerain

Message

From: Principe, Vanessa [Principe.Vanessa@epa.gov]
Sent: 1/12/2018 5:03:31 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: FW: URGENT- OGC Review Requested on CERCLA EPCRA website
Attachments: Draft CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms.docx

From: Gioffre, Patricia
Sent: Friday, January 12, 2018 11:54 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: URGENT- OGC Review Requested on CERCLA EPCRA website

And now attaching the actual document for review. Whoops!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Gioffre, Patricia
Sent: Friday, January 12, 2018 11:53 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Earl Salo <Salo.Earl@epa.gov>
Cc: Latosha Thomas (Thomas.Latosha@epa.gov) <Thomas.Latosha@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim (Jennings.Kim@epa.gov) <Jennings.Kim@epa.gov>; Mayer, Eileen <mayer.eileen@epa.gov>; Becki Clark (Clark.Beki@epa.gov) <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michele Indermark (Indermark.Michele@epa.gov) <Indermark.Michele@epa.gov>
Subject: URGENT- OGC Review Requested on CERCLA EPCRA website
Importance: High

OGC-
The CERCLA EPCRA factsheet will likely be distributed today (see attached for version that was sent to OPA).

As a result, we need to make changes to our website that are consistent with the factsheet as well as to better organize resources and make the site more user-friendly.

Please review and let me know if you have any legal concerns. I am less interested in making this perfect, but I do want to ensure consistency with the factsheet. We will add more Q&As next week, but for now-this is a start.

Patty Gioffre

USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 4/20/2018 3:19:12 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: Status of EPCRA Q&As

OMB has determined that the Q&As are significant and therefore, intend to conduct a brief interagency review. The Q&As are being formally submitted today. OMB further requested a summary of the comments we received on the website. I revised the summary document that Kathy developed to include only the EPCRA comments and sent that along to Gerain (it is also on the SharePoint site in the Animal Waste Website folder with today's date).

Let me know if you have any questions.

Patty Gioffre
USEPA/OLEM/OEM/RID
202-564-1972

Cellular Phone / Ex. 6

From: Cogliano, Gerain
Sent: Friday, April 20, 2018 11:09 AM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: Re: on the question of OMB review

Hema,

The documents were submitted formally today via ROCIS for OMB/Interagency Review. OMB is asking interagency reviewers to provide their input within 1 day. Expecting we'll get input back Monday late afternoon/evening; Tuesday at the latest.

You're welcome,

Gerain

From: Subramanian, Hema

Sent: Friday, April 20, 2018 11:05 AM

To: Cogliano, Gerain; Nickerson, William; Breen, Barry; Grantham, Nancy; Palich, Christian; Frye, Tony (Robert); Jennings, Kim; Hostage, Barbara; Gioffre, Patricia; Cheatham, Reggie; Brooks, Becky; Fotouhi, David; Jacob, Sicy; Michaud, John; ODea, Elise; Lewis, Jen; Cooperstein, Sharon; Clark, Becki; Principe, Vanessa; Simon, Nigel; Bennett, Tate; Bowman, Liz; Benjamin, Kent; Taylor, Trish; Cook, Steven; Indermark, Michele; Swenson, Erik; Harwood, Jackie; Franklin, Kathy

Subject: RE: on the question of OMB review

Gerain, was there a decision on process w/OMB following the call? (Or timeline?)

Thank you,

---Hema.

Hema Subramanian

Acting Special Assistant for Agriculture Policy

Office of the Administrator

U.S. Environmental Protection Agency

Washington, DC

office: (202) 564-5041

From: Cogliano, Gerain

Sent: Tuesday, April 17, 2018 12:07 PM

To: Nickerson, William <Nickerson.William@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Subject: RE: on the question of OMB review

I'll schedule a meeting with OMB.

From: Nickerson, William

Sent: Tuesday, April 17, 2018 12:00 PM

To: Breen, Barry <Breen.Barry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Gioffre, Patricia

<Gioffre.Patricia@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Subject: on the question of OMB review

I've confirmed everyone is in agreement on the need for speedy review. I would suggest that we set up a briefing with OMB as soon as possible so we can quickly get to the substance of the action and set expectations about review times. Depending on how things go, that could serve as the courtesy briefing or the first meeting that is part of formal review. Brittany was comfortable with either approach, with an implied preference for whatever is faster.

I understand there was an inquiry this morning from OMB staff that was premised on the assumption of 12866 review, so that might be the direction we are headed. Based on our meeting yesterday and my subsequent conversation here in OP, there doesn't seem to be any objection to formal 12866 review assuming it can be done very quickly. I'm happy to help facilitate that, should it be necessary.

Bill

William (Bill) Nickerson
Associate Office Director
Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

Message

From: Hostage, Barbara [Hostage.Barbara@epa.gov]
Sent: 10/13/2017 1:30:11 PM
To: Noggle, William [Noggle.William@epa.gov]
CC: Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: EPCRA Update

Thank you.
Signing off now.
Good luck, but don't hesitate to call if you want.
I have my iPhone with me.

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Noggle, William
Sent: Friday, October 13, 2017 9:26 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: EPCRA Update

Good luck with all the docs today and this weekend.

From: Hostage, Barbara
Sent: Friday, October 13, 2017 9:15 AM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: EPCRA Update

Thanks so much for the update, Bill.
I have my fingers crossed that we can conclude today.
I will try to keep my phone handy, although I have a doctor's appointment in about an hour – finally going to see an orthopedic surgeon about my shoulder.
Then to Ohio mid-afternoon or maybe tomorrow morning.
Depends
Thanks so much for taking the leadership to get this moving!!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Noggle, William
Sent: Friday, October 13, 2017 9:10 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: EPCRA Update
Importance: High

Barbara, Gerain,

Deliberative Process / Ex. 5

Thanks,
Bill

From: Gioffre, Patricia
Sent: Thursday, October 12, 2017 5:46 PM
To: Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: CERCLA EPCRA Update
Importance: High

Reggie/Becki-

This email is to provide a status update on the EPCRA/CERCLA guidance in preparation for publishing something on our website on Monday 10/16. (OGC/PARMS-If I've captured anything wrong, please feel free to correct me)

EPCRA 304 Q&A

- Still at OMB
- OGC revised per yesterday's interagency call and we discussed with OMB today (they are working closely with David F)
- DOJ, OMB and SBA had additional revisions

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- Planning for another call at noon tomorrow. Hoping to wrap up interagency review with the next draft Q&A.

CERCLA 103 web text

- Received some additional suggested revisions to revise the web text from OGC. They are in the attached draft document with today's date.
- **Still waiting on feedback from senior leaders**

Communications

- George and Trish have the communications plan ready and are working with OPA
- Patrick Davis would like to invite Brownfield Ag News (who submitted a recent press inquiry on this topic) to conduct a longer interview with EPA next week as part of the communication rollout.
 - I will be in the office on Monday to provide support and can do the interview.

ICR issues

- OMB, PARMS and RID staff participated in a call yesterday to develop an emergency package to amend the ICRs for EPCRA 304 reporting, CERCLA 103 reporting and the continuous release reporting ICR
- Discussed streamlining the continuous release reporting form for farmers.
 - We have a version previously developed to use as a starting point.
 - RID will focus on this work next week (though some staff are out of the office at the NASTTPO meeting)
- OMB is expecting a package on Monday 10/23

This is all moving rapidly. Although tomorrow is my Comp Day, I will remain actively involved, monitor email and participate in interagency calls. Kathy Franklin will be in the office tomorrow and serve as Acting Director for RID. Please copy her on all emails on this subject. Thanks!

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972

Cellular Phone / Ex. 6

Message

From: Jacob, Sicy [Jacob.Sicy@epa.gov]
Sent: 10/20/2017 6:03:29 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: CERCLA 103 Interagency comments-OEM document

Yeah, thanks. I will review those Qs & As and will send the edits to all to review.

I can work on that next week. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Lewis, Jen
Sent: Friday, October 20, 2017 2:01 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Jen Lewis

Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Friday, October 20, 2017 1:47 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972

Cellular Phone / Ex. 6

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From: Lewis, Jen
Sent: Friday, October 20, 2017 1:43 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Jacob, Sicy
Sent: Friday, October 20, 2017 1:36 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Lewis, Jen
Sent: Friday, October 20, 2017 12:10 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Friday, October 20, 2017 11:45 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972

Cellular Phone / Ex. 6

Follow OLEM on Twitter @EPALand

From: Lewis, Jen
Sent: Thursday, October 19, 2017 4:13 PM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Principe, Vanessa
Sent: Thursday, October 19, 2017 3:24 PM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

A few observations/suggestions.

V

From: Swenson, Erik
Sent: Thursday, October 19, 2017 1:38 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

From: Gioffre, Patricia
Sent: Thursday, October 19, 2017 11:15 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CERCLA 103 Interagency comments-OEM document

Here is the document that I was working from during today's meeting.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)

Washington, DC 20460

202-564-1972

Cellular Phone / Ex. 6

Follow OLEM on Twitter @EPALand

Message

From: Noggle, William [Noggle.William@epa.gov]
Sent: 10/19/2017 1:49:35 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: FW: checklist - EPCRA/CERCLA

fyi

From: Lewis, Jen
Sent: Thursday, October 19, 2017 8:54 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: checklist - EPCRA/CERCLA

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Wednesday, October 18, 2017 5:10 PM
To: Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: checklist - EPCRA/CERCLA

See edits below in red. Im sure I am missing something but it's the end of the day and I am heading out. Have a great night.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Noggle, William
Sent: Wednesday, October 18, 2017 4:40 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: checklist - EPCRA/CERCLA

Patty, Jen,
Since I'm unclear if OMB will close review this week, I'd like to send them our checklist and ask them to confirm. Could you please take a quick look and let me know if I'm missing anything?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Bill

Message

From: Hostage, Barbara [Hostage.Barbara@epa.gov]
Sent: 10/19/2017 12:44:29 PM
To: Noggle, William [Noggle.William@epa.gov]
CC: Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: Questions

Thanks.

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Noggle, William
Sent: Thursday, October 19, 2017 8:39 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: FW: Questions

fyi

From: Lewis, Jen
Sent: Thursday, October 19, 2017 5:46 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: Fwd: Questions

We can discuss this morning- thoughts from APA folks about some options.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Begin forwarded message:

From: "Simons, Andrew" <Simons.Andrew@epa.gov>
Date: October 18, 2017 at 8:27:43 PM EDT
To: "Lewis, Jen" <Lewis.Jen@epa.gov>
Cc: "Siciliano, CarolAnn" <Siciliano.CarolAnn@epa.gov>, "Prabhu, Aditi" <Prabhu.Aditi@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>
Subject: Re: Questions

Jen:

Deliberative Process / Ex. 5

Andrew Simons
202-564-3649

Sent from my iPhone

On Oct 18, 2017, at 1:40 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Carol Ann,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Happy to chat by phone if that's easier.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 6/7/2017 4:43:10 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Wilson, Gregory [Wilson.Gregory@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: My Thoughts - RE: FOR REVIEW - FW: Options for dealing with Waterkeeper
Attachments: Waterkeeper v EPA - background and options memo 5.31.17_OEM_VP_PG_kjj 6-7-17.docx

Thanks all.

I have included my comments on top of everyone else's and added in Gerain's language below. I have also added some additional information under the RQ discussion:

Deliberative Process / Ex. 5

Vanessa, should we send back to Earl?

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Cogliano, Gerain
Sent: Wednesday, June 07, 2017 12:35 PM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Wilson, Gregory <Wilson.Gregory@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: My Thoughts - RE: FOR REVIEW - FW: Options for dealing with Waterkeeper

Deliberative Process / Ex. 5

From: Principe, Vanessa

Sent: Wednesday, June 07, 2017 11:54 AM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Wilson, Gregory <Wilson.Gregory@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>

Subject: My Thoughts - RE: FOR REVIEW - FW: Options for dealing with Waterkeeper

My suggested edits - FYI

From: Principe, Vanessa

Sent: Wednesday, June 07, 2017 11:05 AM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Wilson, Gregory <Wilson.Gregory@epa.gov>; Patricia Gioffre <Gioffre.Patricia@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Jennings, Kim <jennings.kim@epa.gov>

Subject: FOR REVIEW - FW: Options for dealing with Waterkeeper

Any comments on Earl's suggested edits?

Thanks, V

From: Salo, Earl

Sent: Wednesday, June 07, 2017 10:40 AM

To: Clark, Becki <Clark.Beki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>

Cc: Swenson, Erik <Swenson.Erik@epa.gov>

Subject: Options for dealing with Waterkeeper

Attached, I made some revisions to the discussion of options, to reflect our meeting with Barry. I'd appreciate any comments or suggestions you have, thanks.

Earl Salo

Assistant General Counsel for Superfund

Office of General Counsel

Environmental Protection Agency

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 6/7/2017 12:04:17 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: Re: update?? - poop rule

Groan! LOL

On Jun 7, 2017, at 6:58 AM, Cogliano, Gerain <Cogliano.Gerain@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Gioffre, Patricia
Sent: Tuesday, June 06, 2017 4:20 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: Re: update?? - poop rule

I don't know what you told them. Why?

On Jun 6, 2017, at 4:05 PM, Cogliano, Gerain <Cogliano.Gerain@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Principe, Vanessa
Sent: Tuesday, June 06, 2017 4:00 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Wilson, Gregory <Wilson.Gregory@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: update?? - poop rule

Hi folks,

We had our OGC briefing for Barry this morning. OGC took all of our suggested edits and presented from that the options.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Ki/Gerain – please add anything I might have forgotten.

Will keep you posted. Thanks all for your help! V

From: Jacob, Sicy
Sent: Tuesday, June 06, 2017 2:56 PM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: update?? - poop rule

Hi, any update on the briefing or options paper??

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 5/26/2017 5:26:00 PM
To: Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Principe, Vanessa [Principe.Vanessa@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: Briefing paper on Ag rule for Administrator
Attachments: CERCLA-EPCRA Farms - Status and Options 5-26-17.docx

Hi Earl and Erik,

Attached is the Status/Options paper for OGC's briefing for the Administrator.

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Deliberative Process / Ex. 5

Please take a look and let me know if you have any additional thoughts or comments.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

The Air Office should probably be included in the briefing with the Administrator since our efforts may affect theirs.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jennings, Kim
Sent: Friday, May 26, 2017 9:46 AM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Principe, Vanessa <Principe.Vanessa@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: FW: Briefing paper on Ag rule for Administrator

Hi Earl and Erik,

We are working on an options paper using the attached two documents to develop the background information and adding in options we discussed yesterday, including:

- # Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We will have something today for your review.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jennings, Kim
Sent: Thursday, May 25, 2017 11:08 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: Briefing paper on Ag rule for Administrator

Here is are two briefing papers/factsheets we did on the rule when litigants came back to us in 2015. We can use these to develop a briefing/options paper.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 5/26/2017 1:54:01 PM
To: Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Principe, Vanessa [Principe.Vanessa@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: Briefing paper on Ag rule for Administrator
Attachments: CERCLA-EPCRA exemption rule update 5-25-17.pptx

Hi Earl and Erik,

One more thing. I briefed the Regional Ag folks during their forum conference call yesterday and they would like a copy of my slides (which I spoke from and did not provide during the call). Attached are the slides I used, which are the same

Deliberative Process / Ex. 5

Could you look these over and let me know if you have any comments and whether I can send it to our Regions?

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jennings, Kim
Sent: Friday, May 26, 2017 9:46 AM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Principe, Vanessa <Principe.Vanessa@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: FW: Briefing paper on Ag rule for Administrator

Hi Earl and Erik,

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- ## Deliberative Process / Ex. 5

- ## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We will have something today for your review,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jennings, Kim
Sent: Thursday, May 25, 2017 11:08 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: Briefing paper on Ag rule for Administrator

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Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 10/13/2017 10:34:12 PM
To: Noggle, William [Noggle.William@epa.gov]
Subject: Re: Outcome from 10/13 OMB meeting on EPCRA

Thanks

On Oct 13, 2017, at 5:37 PM, Noggle, William <Noggle.William@epa.gov> wrote:

Patrick,

Deliberative Process / Ex. 5

Thanks,
Bill

From: Davis, Patrick
Sent: Friday, October 13, 2017 5:29 PM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: Re: Outcome from 10/13 OMB meeting on EPCRA

Thank you.

Any delay in cercla to report?

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
202-380-8341 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 13, 2017, at 5:26 PM, Noggle, William <Noggle.William@epa.gov> wrote:

Patrick Barry

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Bill
202-566-1306

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 10/25/2017 11:55:38 AM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: OMB meeting 10/25 - Ag Guidance

You're very welcome!

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 7:55 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: OMB meeting 10/25 - Ag Guidance

You rock! Thanks so much!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Cogliano, Gerain
Sent: Wednesday, October 25, 2017 7:54 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: RE: OMB meeting 10/25 - Ag Guidance

Hi all. The meeting with Barry is being rescheduled for 10:45.
For those calling into the OMB meeting at 10, I have reserved room 4144West.

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 6:36 AM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: Fwd: OMB meeting 10/25 - Ag Guidance

OMB has requested a meeting this morning at 10 am to discuss the EPCRA CERCLA passback. This meeting conflicts with our update for the front office on this issue. Can we reschedule the meeting with Barry to after the OMB call?

Sent from my iPhone

Begin forwarded message:

From: "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>

Date: October 25, 2017 at 6:30:20 AM EDT

To: "Noggle, William" <Noggle.William@epa.gov>

Cc: "Jennings, Kim" <Jennings.Kim@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Bosecker, Elizabeth" <Bosecker.Elizabeth@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Beaman, Joe" <Beaman.Joe@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>

Subject: Re: OMB meeting 10/25 - Ag Guidance

Bill, At this time the meeting with OMB is scheduled to overlap with the front office meeting on EPCRA/CERCLA.

Can we push the meeting with Barry to after the OMB call?

Sent from my iPhone

On Oct 24, 2017, at 6:33 PM, Noggle, William <Noggle.William@epa.gov> wrote:

To all –

OMB requested tomorrow's meeting to discuss our passback on the Ag Guidance. I was

Deliberative Process / Ex. 5

Thanks,
Bill
202-566-1306

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 10/6/2017 2:34:05 PM
To: Noggle, William [Noggle.William@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]
Subject: Re: Updated routine agricultural operations Q&A

Personal Matters / Ex. 6

From: Noggle, William
Sent: Friday, October 6, 2017 10:32 AM
To: Hostage, Barbara
Cc: Cogliano, Gerain
Subject: RE: Updated routine agricultural operations Q&A

Sorry, I couldn't find time to log in before late this morning.

Personal Matters / Ex. 6

Personal Matters / Ex. 6

From: Hostage, Barbara
Sent: Friday, October 06, 2017 10:28 AM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Thank you.

Sorry I got everyone in a tizzy this morning, but I wanted to make sure this was with OP as soon as possible, since technically we "got" it around 6:00 pm yesterday.

Thanks to both of you for all your help!!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Noggle, William
Sent: Friday, October 06, 2017 10:25 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Just had to re-title the doc, add the OMB header, and now we wait for Tracker, Nate, Samantha Dravis, and ROCIS. I've already spoken with Nate this morning.

From: Hostage, Barbara
Sent: Friday, October 06, 2017 10:16 AM
To: Noggle, William <Noggle.William@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

So, do you have to do anything more with Nate to "send" to OP for OMB review?

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Noggle, William
Sent: Friday, October 06, 2017 10:15 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Thanks

From: Hostage, Barbara
Sent: Friday, October 06, 2017 8:50 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: FW: Updated routine agricultural operations Q&A
Importance: High

Good morning, Sarah & Nicole.

Just wanted to let you know that The Q&A clarifying "routine agricultural operations" under EPCRA is attached and has been approved by Patrick Davis.

Both David Fotouhi and Susan Bodine concur.

Bill Noggle will be sending this to Nate shortly.

As I mentioned yesterday, OMB has requested the Q&A for review as early today as possible in order to allow us to meet our 10/16 deadline for posting on the internet.

Please let me know if you run into any delays.

Thank you for your help on this!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A

Phone Number: 202-566-1933

Fax Number: 202-566-1934

Mail Code: 5103T

From: Davis, Patrick

Sent: Thursday, October 05, 2017 5:44 PM

To: Lewis, Jen <Lewis.Jen@epa.gov>

Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>;

Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>; Jennings, Kim

<Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV)

<Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>;

Brown, Byron <brown.byron@epa.gov>

Subject: Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis

Environmental Protection Agency

Deputy Associate Director, Office of Land and Emergency Management

202-564-3103 office

Personal Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Patrick,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 10/6/2017 2:23:57 PM
To: Owens, Nicole [Owens.Nicole@epa.gov]; Jutras, Nathaniel [Jutras.Nathaniel@epa.gov]
CC: Noggle, William [Noggle.William@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]
Subject: Ready for OMB: Updated routine agricultural operations Q&A
Attachments: Routine Agricultural Operations -QA_DRAFT 10-5-17.docx

Importance: High

Nate and Nicole, please see messages below. This is ready to be sent to OMB; needs to go ASAP today, morning preferably.

Thanks from OLEM!

From: Hostage, Barbara
Sent: Friday, October 06, 2017 8:50 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: FW: Updated routine agricultural operations Q&A
Importance: High

Good morning, Sarah & Nicole.

Just wanted to let you know that The Q&A clarifying "routine agricultural operations" under EPCRA is attached and has been approved by Patrick Davis.

Both David Fotouhi and Susan Bodine concur.

Bill Noggle will be sending this to Nate shortly.

As I mentioned yesterday, OMB has requested the Q&A for review as early today as possible in order to allow us to meet our 10/16 deadline for posting on the internet.

Please let me know if you run into any delays.

Thank you for your help on this!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Davis, Patrick
Sent: Thursday, October 05, 2017 5:44 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>;

Brown, Byron <brown.byron@epa.gov>

Subject: Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis

Environmental Protection Agency

Deputy Associate Director, Office of Land and Emergency Management

202-564-3103 office

Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Patrick,

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 10/6/2017 2:20:03 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]
Subject: Re: Updated routine agricultural operations Q&A

That doc is only needed for signature and FR.

So do I send or is Bill sending? Or do I do it just to ensure they get it regardless.

From: Hostage, Barbara
Sent: Friday, October 6, 2017 10:18 AM
To: Cogliano, Gerain
Subject: RE: Updated routine agricultural operations Q&A

Thanks!

I just now got an email from Bill saying "thanks."

I just didn't know if there was some action information sheet that needed to be attached or not.

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Cogliano, Gerain
Sent: Friday, October 06, 2017 10:17 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

Just needs to go to Nate (and Nicole). They will put into Tracker once Nate splits the SAN and creates the Guidance entry.

Then they wait for approval (Dravis typically) to upload into ROCIS and send to OMB.

I'll send onward.

From: Hostage, Barbara
Sent: Friday, October 6, 2017 10:10 AM

To: Cogliano, Gerain
Subject: FW: Updated routine agricultural operations Q&A

I haven't been able to get in touch with Bill.
Can you make sure this gets uploaded/sent to whomever needs to get this so that OP can send to OMB?
What needs to be done exactly?
Thanks!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Hostage, Barbara
Sent: Friday, October 06, 2017 8:50 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: FW: Updated routine agricultural operations Q&A
Importance: High

Good morning, Sarah & Nicole.
Just wanted to let you know that The Q&A clarifying "routine agricultural operations" under EPCRA is attached and has been approved by Patrick Davis.
Both David Fotouhi and Susan Bodine concur.
Bill Noggle will be sending this to Nate shortly.
As I mentioned yesterday, OMB has requested the Q&A for review as early today as possible in order to allow us to meet our 10/16 deadline for posting on the internet.
Please let me know if you run into any delays.
Thank you for your help on this!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Davis, Patrick
Sent: Thursday, October 05, 2017 5:44 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>;

Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis

Environmental Protection Agency

Deputy Associate Director, Office of Land and Emergency Management

202-564-3103 office

Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

Patrick,

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis

Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

<Routine Agricultural Operations -QA_DRAFT 10-5-17.docx>

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 10/6/2017 4:17:49 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]
Subject: Re: Updated routine agricultural operations Q&A

I told Nicole about website too and said the only new info was the q&a.

On Oct 6, 2017, at 11:06 AM, Hostage, Barbara <Hostage.Barbara@epa.gov> wrote:

I just talked to Sarah.
She said she is OK with the Q&A.
So, they are waiting to hear back from Samantha, who apparently is "checking" on it.
Not sure with whom, but hopefully she will be able to clear it before her **Personal Matter / Ex. 6** this afternoon.
Keep your fingers crossed!

BTW, I know I told Nicole about the website, but can't remember if I also told Sarah.
Nonetheless, Sarah said she is onboard.

I will send Patrick an email at 1:00 PM if we haven't heard anything by then.
Stay tuned!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Cogliano, Gerain
Sent: Friday, October 06, 2017 12:02 PM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

They seem to think there is a guidance coming later. I am confused, too.

On Oct 6, 2017, at 10:44 AM, Hostage, Barbara <Hostage.Barbara@epa.gov> wrote:

Who knows.
I will send Patrick an email and ask him to contact Samantha.
I am not sure I understand what Sarah & Nicole's reservations are below.
I explained to them that this was a Q&A on EPCRA, not a guidance.

Barbara Hostage, Director

Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Cogliano, Gerain
Sent: Friday, October 06, 2017 11:41 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

So an email from Patrick does not count? Has to be a call????

On Oct 6, 2017, at 10:36 AM, Hostage, Barbara <Hostage.Barbara@epa.gov> wrote:

Thanks for letting me know!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Noggle, William
Sent: Friday, October 06, 2017 11:35 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: FW: Updated routine agricultural operations Q&A

fyi

From: Noggle, William
Sent: Friday, October 06, 2017 11:35 AM
To: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Thank you. Please keep us posted as you get your management to clear today. I owe you.

From: Jutras, Nathaniel
Sent: Friday, October 06, 2017 11:33 AM
To: Noggle, William <Noggle.William@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

You weren't doing anything wrong as far I can see, but I fixed it and OP has accepted the package.

From: Noggle, William
Sent: Friday, October 6, 2017 11:22 AM
To: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Thank you. Attached is the doc with the new RIN in the title. I also added to ADP Tracker, but Tracker isn't giving me the option to route to OP. What am I doing wrong?

From: Jutras, Nathaniel
Sent: Friday, October 06, 2017 10:56 AM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Great. Thank you, Caryn.

Bill here you go - 2050-ZA12

From: Muellerleile, Caryn
Sent: Friday, October 6, 2017 10:49 AM
To: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

2050-ZA12

From: Jutras, Nathaniel
Sent: Friday, October 06, 2017 10:43 AM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

The SAN is 5484.1

From: Muellerleile, Caryn
Sent: Friday, October 6, 2017 10:39 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>

Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

I agree with **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5 Nate, what is the SAN?

From: Rees, Sarah
Sent: Friday, October 06, 2017 10:38 AM
To: Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Deliberative Process / Ex. 5

From: Owens, Nicole
Sent: Friday, October 06, 2017 10:36 AM
To: Rees, Sarah <rees.sarah@epa.gov>
Cc: Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

You all should talk. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Rees, Sarah
Sent: Friday, October 06, 2017 10:32 AM
To: Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

I heard from Samantha this morning that she is checking on this – she is likely reaching out to Patrick and/or David F at OGC. But if Patrick doesn't hear from her soon he should reach out.

From: Noggle, William
Sent: Friday, October 06, 2017 10:30 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: RE: Updated routine agricultural operations Q&A

Sarah,
Would it help in expediting OP approval, if we had Patrick Davis call over to Brittany and/or Samantha?

Thanks,
Bill
202-566-1306

From: Rees, Sarah
Sent: Friday, October 06, 2017 8:51 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: Re: Updated routine agricultural operations Q&A

Thanks Barbara - I've let Samantha and Brittany know this is coming.
Haven't heard anything back yet but will keep on it.

Cheers,
Sarah

On Oct 6, 2017, at 8:49 AM, Hostage, Barbara <Hostage.Barbara@epa.gov> wrote:

Good morning, Sarah & Nicole.
Just wanted to let you know that The Q&A clarifying
"routine agricultural operations" under EPCRA is
attached and has been approved by Patrick Davis.
Both David Fotouhi and Susan Bodine concur.
Bill Noggle will be sending this to Nate shortly.
As I mentioned yesterday, OMB has requested the Q&A
for review as early today as possible in order to allow us
to meet our 10/16 deadline for posting on the internet.
Please let me know if you run into any delays.
Thank you for your help on this!

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff
(PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Davis, Patrick
Sent: Thursday, October 05, 2017 5:44 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>; Jennings, Kim

<Jennings.Kim@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV)
<Elizabeth.Hosford@usdoj.gov>; Fotouhi, David
<Fotouhi.David@epa.gov>; Breen, Barry
<Breen.Barry@epa.gov>; Brown, Byron
<brown.byron@epa.gov>

Subject: Re: Updated routine agricultural operations
Q&A

Susan and I reviewed this tonight. It is approved to
move to OP to transmit to OMB.

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and
Emergency Management
202-564-3103 office

Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen
<Lewis.Jen@epa.gov> wrote:

Patrick,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response
Law Office
(202) 564-2097

<Routine Agricultural Operations -
QA_DRAFT 10-5-17.docx>

<Routine Agricultural Operations -QA_DRAFT 10-
5-17.docx>

Message

From: Davis, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBBD6FB2E7674E06B2-DAVIS, PATR]
Sent: 10/4/2017 1:51:20 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Kim Jennings (Jennings.Kim@epa.gov) [Jennings.Kim@epa.gov]
Subject: Guidance for Farms DRAFT 10022017 .docx
Attachments: Guidance for Farms DRAFT 10022017 .docx

Hi Patty and Kim,

See my edits tracked on the attached.

Thanks,
Patrick Davis

Message

From: Carey, Curtis [Carey.Curtis@epa.gov]
Sent: 1/31/2018 12:06:43 AM
To: Flournoy, Karen [Flournoy.Karen@epa.gov]
Subject: FW: CERCLA/EPCRA Animal Waste Reporting Web Changes
Attachments: Website revisions 1-29-18.docx

Karen,

Would you like me to share this with Scott?

Curtis D. Carey, Ph.D.
Public Affairs Director
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7506
epa.gov | epa.gov/region7 | <http://blog.epa.gov/bigbluethread>



From: Grantham, Nancy
Sent: Tuesday, January 30, 2018 6:02 PM
To: Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>
Subject: FW: CERCLA/EPCRA Animal Waste Reporting Web Changes

All – please see attached web changes on this issue – as we await the court decision on our request for a 3 month extension.

Please share with your regional ag advisors.

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Carey, Curtis [Carey.Curtis@epa.gov]
Sent: 1/17/2018 9:49:57 PM
Subject: EPA factsheet & PSA on reporting releases of hazardous substances from animal waste
Attachments: Animal_Waste.mp3; EPA_3.mp3; CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

Ladies and Gentlemen,

Due to a recent court decision, farms (including ranches, livestock operations and/or animal feeding operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. Attached is a fact sheet (English and Spanish versions) with an overview and FAQs for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Compliance assistance is available at this toll-free number: 1-800-424-9346

The factsheets are also available online at: <https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal>.

EPA has also produced audio public service announcements (PSA).

Direct link to the PSA (:37 secs, 586kb, MP3)

https://www.epa.gov/sites/production/files/2018-01/animal_waste_psa_jan2018.mp3

Transcript: Due to a recent court action, many farms with animal operations across the United States will be required to report emissions from animal waste as early as January 22. EPA had exempted most farms from this requirement under the EPCRA and CERCLA laws but due to a recent lawsuit, the courts eliminated this exemption. EPA has online tools to help animal ag producers determine if this requirement applies to their operations, and help them comply with the law. To learn more, visit epa.gov/animalwaste or call 1-800-424-9346.

SPANISH / en español (:40 secs, 1260kb, MP3)

https://www.epa.gov/sites/production/files/2018-01/animal_waste_psa_jan2018_sp.mp3

Transcripción: Debido a acción judicial reciente, muchas granjas con operaciones ganaderas en todo Estados Unidos deberán reportar las emisiones provenientes de desechos animales incluso a partir del 22 de enero. La EPA había declarado exentas a la mayoría de las granjas conforme a las leyes EPCRA y CERCLA pero debido a una demanda judicial reciente, los tribunales eliminaron esta exención. La EPA tiene herramientas para asistir a los productores ganaderos a determinar si es aplicable este requisito a sus operaciones y ayudarles a cumplir la ley. Para conocer más detalles visite epa.gov/animalwaste o llame al 1-800-424-9346.

We would appreciate if you would help us get the widest possible distribution to the affected animal operations and related stakeholders through your web sites, newsletters, and local media and radio stations.

Region 7 is also available to answer questions and assist with reporting compliance. If you have questions please contact Scott Hayes (913-551-7670, Hayes.Scott@epa.gov) or Jodi Harper (913-551-7483, harper.jodi@epa.gov).

Thank you!

Curtis D. Carey, Ph.D.

Public Affairs Director

U.S. Environmental Protection Agency

Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)

(913) 551-7506

epa.gov | epa.gov/region7 | <http://blog.epa.gov/bigbluethread>



Message

From: Carey, Curtis [Carey.Curtis@epa.gov]
Sent: 1/17/2018 2:57:37 PM
To: Flournoy, Karen [Flournoy.Karen@epa.gov]
Subject: FW: CERCLA/EPCRA Fact Sheet -- animal waste
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf; Canned Language for FAQs.docx; Animal_Waste.mp3; EPA_3.mp3; 2018-01-12 AG Industry and Media ContactsV2.xlsx

Curtis D. Carey, Ph.D.
Public Affairs Director
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7506
epa.gov | epa.gov/region7 | <http://blog.epa.gov/bigbluethread>



From: Carey, Curtis
Sent: Tuesday, January 16, 2018 5:42 PM
To: Flournoy, Karen <Flournoy.Karen@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Smith, John <Smith.John@epa.gov>
Cc: Murdie, Ashley <murdie.ashley@epa.gov>; Brees, Angela <Brees.Angela@epa.gov>; Bryan, David <Bryan.David@epa.gov>
Subject: FW: CERCLA/EPCRA Fact Sheet -- animal waste

Karen and Scott,

HQ has pushed the English and Spanish language fact sheets out to USDA. They have been posted them to the national web page as well.

<https://www.epa.gov/agriculture>

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

The Regions have been asked to share the fact sheets with state agencies and agricultural stakeholders. Attached is slightly cleaned up version of an OPA Ag stakeholder list. If we can, I would like to put together one really good up to date stakeholder list for us. This is a decent start, but it isn't perfect by a long shot. Please let Ashley and me know if you find any changes that need to be made.

We have not been told who HQ reached out to at the national associations.

OPA will start pitching the PSAs to radio stations tomorrow.

OPA will contact the Ag media on the attached list (highlighted in red) and share the fact sheet.

Curtis D. Carey, Ph.D.
Public Affairs Director
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7506
epa.gov | epa.gov/region7 | <http://blog.epa.gov/bigbluethread>



From: Grantham, Nancy
Sent: Tuesday, January 16, 2018 2:42 PM
To: Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: FW: CERCLA/EPCRA Fact Sheet -- animal waste

Please make sure your regional ag advisors know that this went to USDA today.

We will be sending the link to the fact sheets on the web shortly, so regions can begin outreach to state ag agencies.

Other tools coming shortly as well.

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)

Ex. 6 PP

Team USDA,

Very much appreciate all of your efforts in helping to refine and ultimately get this message out to producers through the USDA network. Attached please find:

- Messaging (English/Spanish) to direct producers to EPA resources on CERCLA/EPCRA Reporting
- CERCLA/EPCRA fact sheets (English/Spanish)

There will be an accompanying PSA that will air soon as well as stakeholder outreach calls that EPA will host beginning on Thursday.

Again, greatly appreciate all of your assistance here.

Best,

Jeffrey Sands
Senior Advisor to the Administrator for Agriculture Policy
1200 Pennsylvania Ave, NW
2415 WJC North
Washington, DC 20460

(202) 564-2263

Message

From: Hayes, Scott [Hayes.Scott@epa.gov]
Sent: 1/17/2018 1:01:21 PM
To: Flournoy, Karen [Flournoy.Karen@epa.gov]
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Karen,

So at this point, you were going to send this to appropriate organizations from Damon's list, right? Could you copy me, or let me know which ones you send it to please? Or, if you prefer, let me know which ones you recommend. I have the list Curtis sent last night. I do not have Damon's list.

I will be observing a court case today and won't have my phone on, but will step out to check messages on breaks.

Scott

From: Hayes, Scott
Sent: Wednesday, January 17, 2018 6:56 AM
To: Vaughn, Neal <Neal.Vaughn@iowaagriculture.gov>; elonda.bacon@dnr.iowa.gov; adam.broughton@dnr.iowa.gov; joe.dom_ks.gov <joe.dom@ks.gov>; bob.jurgens_ks.gov <bob.jurgens@ks.gov>; Leo Henning - KDHE (leo.henning@ks.gov) <leo.henning@ks.gov>; harry.p.heintzelman.nfg@mail.mil; swapan.k.saha.nfg@mail.mil; Glass, Judy [KDA] <Judy.Glass@ks.gov>; sandy.johnson@kda.ks.gov; brian.allen@dnr.mo.gov; brad.harris_dnr.mo.gov <brad.harris@dnr.mo.gov>; Albert, John <John.Albert@mda.mo.gov>; Karen Eagleson (karen.eagleson@sema.dps.mo.gov) <karen.eagleson@sema.dps.mo.gov>; Paul Kirchhoff (paul.kirchhoff@sema.dps.mo.gov) <paul.kirchhoff@sema.dps.mo.gov>; Joe.Francis@nebraska.gov; James Rashilla (james.rashilla@nebraska.gov) <james.rashilla@nebraska.gov>; Brian T. Folts (brian.folts@nebraska.gov) <brian.folts@nebraska.gov>; Tom Jensen (tom.jensen@nebraska.gov) <tom.jensen@nebraska.gov>
Cc: Flournoy, Karen <Flournoy.Karen@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Smith, John <Smith.John@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Murdie, Ashley <murdie.ashley@epa.gov>; Carey, Curtis <Carey.Curtis@epa.gov>; Brees, Angela <Brees.Angela@epa.gov>; Buchholz, Ken <Buchholz.Kenneth@epa.gov>; Williams, David (R7) <Williams.Dave@epa.gov>; Ruiz, Adam <Ruiz.Adam@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Sorry folks. There was a typo in one of the links earlier. It is corrected now along with the addition of audio recordings (in English and Spanish) of the message.

Ladies and Gentlemen,

Due to a recent court decision, farms (including ranches, livestock operations and/or animal feeding operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. Attached are fact sheets and FAQs that provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms

- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Call with questions: 1-800-424-9346

The factsheets are also available on the CERCLA/EPCRA website. A link is available at the top of the page:
www.epa.gov/animalwaste

or you can link to the factsheets directly at <https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal>.

A public service announcement (PSA) is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet (in English and Spanish) with any contacts who may field questions from farmers or animal feeding operators once the PSA airs.

Region 7 is also available to answer questions and assist with reporting compliance. Please contact me at the number or email below and I or a member of my staff will contact you as soon as possible.

Thank you!

Scott D. Hayes

Chief, Chemical & Oil Release Prevention
U.S. Environmental Protection Agency
Lenexa, Kansas
913-551-7670
Hayes.Scott@epa.gov

Message

From: Flournoy, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F2A42311936F4C9F807569BC2DDA4337-FLOURNOY, KAREN]
Sent: 1/12/2018 9:18:33 PM
To: Hayes, Scott [Hayes.Scott@epa.gov]
CC: Weber, Rebecca [Weber.Rebecca@epa.gov]; Smith, John [Smith.John@epa.gov]
Subject: RE: animal air release message...draft

Looks good. I can use the same message to ag contacts-and use your info for questions. Thanks karen

From: Hayes, Scott
Sent: Friday, January 12, 2018 3:06 PM
To: Flournoy, Karen <Flournoy.Karen@epa.gov>
Cc: Weber, Rebecca <Weber.Rebecca@epa.gov>; Smith, John <Smith.John@epa.gov>
Subject: animal air release message...draft

Karen, here's a draft message for when OEM releases the new guidance/tools. Let me know if you have changes.

Ladies and Gentlemen,

As you likely know, the DC Circuit Court of Appeals vacated EPA's rule exempting farms and animal feeding operations from reporting air releases as required by CERCLA and EPCRA. The court then granted EPA's motion to stay the mandate to report until January 22, 2018. The court is expected to issue the mandate to report on January 22, 2018. No reporting is necessary until the mandate is issued.

EPA's Office of Emergency Management (OEM) has been working to improve the guidance and tools to aid these facilities and farmers in complying with the requirements. Today, OEM updated this information and it is available on their website.

<https://www.epa.gov/animalwaste>

To review briefly:

Farm and animal feeding operation owners/operators must comply with CERCLA section 103 reporting requirements for air releases of hazardous substances from animal waste at their farms.

If a farm/facility has air releases of hazardous substances from animal wastes that are equal to or greater than their reportable quantities (RQs) within any 24-hour period, the owner/operator may follow a streamlined reporting process known as "continuous release reporting." This requires the facility owner or operator to:

- Notify the NRC. This may be done by [email \(farms@uscg.mil\)](mailto:farms@uscg.mil). Please identify your reportable release as an **"initial continuous release notification."**
- Submit an initial written notification to the applicable [EPA Regional Office](#); and
- One year later, submit an additional follow-up written notification to the same [EPA Regional Office](#).

Region 7 is available to answer questions and assist with reporting compliance. Please contact me at the number or email below. I or a member of my staff will return your message as soon as we are able.

Scott D. Hayes

Chief, Chemical & Oil Release Prevention
U.S. Environmental Protection Agency
Lenexa, Kansas
913-551-7670
Hayes.Scott@epa.gov

Message

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 10/16/2017 11:12:51 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: Outcome from 10/13 OMB meeting on EPCRA

Yes, thank you.

Sent from my iPhone

On Oct 16, 2017, at 7:07 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Also, happy to discuss before the 8:00 a.m. Want to meet in the Alm room a few minutes early?

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Monday, October 16, 2017 7:07 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Outcome from 10/13 OMB meeting on EPCRA

Your understanding is correct. The CERCLA guidance has some questions-and-answers within it, but my understanding is that there is not a separate CERCLA guidance and CERCLA Q&A document but rather one single CERCLA guidance.

OMB and DOJ had more comments on the EPCRA Q&A on Friday afternoon that we'll need to work through today.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Bolen, Brittany
Sent: Monday, October 16, 2017 7:03 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Fwd: Outcome from 10/13 OMB meeting on EPCRA

Hi David - have you seen the CERCLA Q&A? I thought there was just EPCRA Q&A and CERCLA guidance. Is the guidance what they're referring to below in regards to the posting at noon today? Also, can we discuss this briefly before/after the 8am?
Brittany

Begin forwarded message:

From: "Davis, Patrick" <davis.patrick@epa.gov>
Date: October 13, 2017 at 7:39:49 PM EDT
To: "Noggle, William" <Noggle.William@epa.gov>
Cc: "Breen, Barry" <Breen.Barry@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Clark, Becki" <Clark.Becki@epa.gov>, "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Re: Outcome from 10/13 OMB meeting on EPCRA

Please coordinate the cercla posting through Brittany Bolen with OP.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 13, 2017, at 5:37 PM, Noggle, William <Noggle.William@epa.gov> wrote:

Patrick,
Nothing new on CERCLA. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks,
Bill

From: Davis, Patrick
Sent: Friday, October 13, 2017 5:29 PM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>;

Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Subject: Re: Outcome from 10/13 OMB meeting on EPCRA

Thank you.

Any delay in cercla to report?

Patrick Davis

Environmental Protection Agency

Deputy Associate Director, Office of Land and Emergency Management

202-564-3103 office

Cellular Phone / Ex. 6 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 13, 2017, at 5:26 PM, Noggle, William

<Noggle.William@epa.gov> wrote:

Patrick, Barry,

We did not conclude interagency review on this afternoon's call with OMB on the EPCRA Q&A. The summary of the meeting is below (thanks to Patty and Jen for pulling together).

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Bill

202-566-1306

Message

From: Lovell, Will (William) [lovell.william@epa.gov]
Sent: 7/28/2017 2:03:27 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: RE: Egg Producer Case

Thanks, David.

From: Fotouhi, David
Sent: Friday, July 28, 2017 10:02 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Egg Producer Case

That makes sense—the first issue is the main one (the Hickman issue is a one-off EPCRA reporting violation issue).

I have briefed the Administrator (with Byron and Patrick Davis) on the CERCLA/EPCRA reporting requirement and litigation—most recently on July 14. The briefing paper from that meeting is attached here.

Here is a quick summary of the timeline:

- 04/11/2017: D.C. Circuit panel vacated EPA's rule exempting air releases of certain hazardous substances (ammonia and H₂S) from some farms, saying EPA lacked the statutory authority and a sufficient rationale to do so.
- 07/03/2017: D.C. Circuit denied the National Pork Producers Council's petition for rehearing.
- 07/17/2017: DOJ filed a motion seeking to stay the issuance of the court's mandate for six months to allow EPA to develop guidance and consider other administrative steps. Waterkeeper intends to oppose the request.
- 08/03/2017: DOJ will file a reply brief in support of the motion to stay the mandate.

Administrative next steps:

Deliberative Process / Ex. 5

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Lovell, Will (William)
Sent: Friday, July 28, 2017 9:50 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: Egg Producer Case

I believe the former. Was there ever a briefing with the Administrator on either of those topics?

From: Fotouhi, David
Sent: Thursday, July 27, 2017 5:28 PM

To: Lovell, Will (William) <lovell.william@epa.gov>

Subject: RE: Egg Producer Case

Will:

Are you referring to the CERCLA/EPCRA reporting requirement exemption (the *Waterkeeper* litigation and subsequent administrative actions) or a particular issue with an egg producer like Hickman?

Thanks,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Lovell, Will (William)

Sent: Thursday, July 27, 2017 5:13 PM

To: Fotouhi, David <fotouhi.david@epa.gov>

Subject: Egg Producer Case

David,

Brittany asked that I reach out to you for an update on the egg producers case for the issues tracker. Any information you could provide would be much appreciated.

Thank you,

Will Lovell

Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 7/28/2017 2:01:55 PM
To: Lovell, Will (William) [lovell.william@epa.gov]
Subject: RE: Egg Producer Case
Attachments: Waterkeeper v EPA - background and options memo.docx

That makes sense—the first issue is the main one (the Hickman issue is a one-off EPCRA reporting violation issue).

I have briefed the Administrator (with Byron and Patrick Davis) on the CERCLA/EPCRA reporting requirement and litigation—most recently on July 14. The briefing paper from that meeting is attached here.

Here is a quick summary of the timeline:

- 04/11/2017: D.C. Circuit panel vacated EPA's rule exempting air releases of certain hazardous substances (ammonia and H₂S) from some farms, saying EPA lacked the statutory authority and a sufficient rationale to do so.
- 07/03/2017: D.C. Circuit denied the National Pork Producers Council's petition for rehearing.
- 07/17/2017: DOJ filed a motion seeking to stay the issuance of the court's mandate for six months to allow EPA to develop guidance and consider other administrative steps. Waterkeeper intends to oppose the request.
- 08/03/2017: DOJ will file a reply brief in support of the motion to stay the mandate.

Administrative next steps:

Deliberative Process / Ex. 5

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Lovell, Will (William)
Sent: Friday, July 28, 2017 9:50 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: Egg Producer Case

I believe the former. Was there ever a briefing with the Administrator on either of those topics?

From: Fotouhi, David
Sent: Thursday, July 27, 2017 5:28 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Egg Producer Case

Will:

Are you referring to the CERCLA/EPCRA reporting requirement exemption (the *Waterkeeper* litigation and subsequent administrative actions) or a particular issue with an egg producer like Hickman?

Thanks,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Lovell, Will (William)
Sent: Thursday, July 27, 2017 5:13 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: Egg Producer Case

David,

Brittany asked that I reach out to you for an update on the egg producers case for the issues tracker. Any information you could provide would be much appreciated.

Thank you,

Will Lovell

Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

Message

From: Cheatham, Reggie [cheatham.reggie@epa.gov]
Sent: 10/13/2017 9:40:41 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]; Taylor, Trish [Taylor.Trish@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]; Noggle, William [Noggle.William@epa.gov]
Subject: Re: CERCLA / EPCRA Reporting Requirement update

Deliberative Process / Ex. 5

Reggie Cheatham, Director
Office of Emergency Management, USEPA
202/564-8003(o)/202/689-9400
Doris Williams, Executive Assistant
202/564-0053

On Oct 13, 2017, at 4:54 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

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Deliberative Process / Ex. 5

I believe that senior leaders were scheduled to discuss this at 4 pm today.

Until we hear otherwise, we should

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We should

Deliberative Process / Ex. 5

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Indermark, Michele
Sent: Friday, October 13, 2017 4:45 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA / EPCRA Reporting Requirement update

Trish,

Based on the call we just had, I don't think

Deliberative Process / Ex. 5

Patty or Kathy can correct me if I'm wrong.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Taylor, Trish
Sent: Friday, October 13, 2017 4:41 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Gioffre,

Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: RE: CERCLA / EPCRA Reporting Requirement update

We were planning for a late morning / early afternoon release and web posting.

From: Grantham, Nancy

Sent: Friday, October 13, 2017 3:49 PM

To: Taylor, Trish <Taylor.Trish@epa.gov>

Cc: StClair, Christie <StClair.Christie@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>

Subject: RE: CERCLA / EPCRA Reporting Requirement update

Checking now

Also, what is your preferred timing on Monday for the release? Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Taylor, Trish

Sent: Friday, October 13, 2017 9:46 AM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>

Cc: StClair, Christie <StClair.Christie@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>

Subject: FW: CERCLA / EPCRA Reporting Requirement update

Hi Nancy,

Per the comms plan, OCIR (Carolyn Levine) will need the final press release and/or desk statement for Congressional Notifications on Monday. Are the draft versions I sent to you on Wed. considered final? If so, I'll forward them to her so she's prepared for Monday.

- <!--[if !supportLists]--><!--[endif]-->Congressional Notifications
OCIR will provide e-mail notification to congressional committees with substantive jurisdiction, including:
 - <!--[if !supportLists]--><!--[endif]-->Senate Environment and Public Works
 - <!--[if !supportLists]--><!--[endif]-->Senate Agriculture
 - <!--[if !supportLists]--><!--[endif]-->House Energy and Commerce
 - <!--[if !supportLists]--><!--[endif]-->House Agriculture
 - <!--[if !supportLists]--><!--[endif]-->OCFO will provide e-mail notification to congressional Appropriations committees

Thanks,

Trish

From: Taylor, Trish

Sent: Wednesday, October 11, 2017 10:47 AM

To: Bowman, Liz <Bowman.Liz@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Cc: Brooks, Becky <Brooks.Bekky@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: RE: draft communications planning tool for CERCLA / EPCRA Reporting Requirement guidance doc

Hi Liz,

Attached is the draft press release. Since it will be targeted to agricultural-focused outlets only, we drafted a desk statement as well. They provide similar information.

Planned release date is Monday, October 16, 2017.

Thanks,

Trish

Trish Taylor, Office of Communications, Partnerships and Analysis (OCA)

U.S. EPA, Office of Land and Emergency Management (OLEM)
WJC West, RM 3137
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 566-2615
taylor.trish@epa.gov

OLEM is on Twitter at [@EPALand](https://twitter.com/EPALand)

From: Bowman, Liz

Sent: Thursday, October 05, 2017 5:46 PM

To: Taylor, Trish <Taylor.Trish@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: RE: draft communications planning tool for CERCLA / EPCRA Reporting Requirement guidance doc

Hi Trish – Thank you for pulling together this detailed and thoughtful communications plan. It looks good to me. All the messages look good, but if you could just send us the press release a day before you plan to send it out, that would be great. Thanks again – Liz

From: Taylor, Trish

Sent: Wednesday, October 4, 2017 1:51 PM

To: StClair, Christie <StClair.Christie@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>

Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: RE: draft communications planning tool for CERCLA / EPCRA Reporting Requirement guidance doc

Hi all,

+Looping in Liz

I've updated the calendar entry to include the draft communications strategy for the CERCLA / EPCRA reporting requirements for air releases of hazardous substances from animal waste at farms guidance.

The draft strategy is also attached here.

It has been reviewed/approved by Acting AA Barry Breen and DAA Patrick Davis.

OEM is currently working on the communications materials which will include a draft press release, desk statement, webpage update and Q&As.

- <!--[if !supportLists]--><!--[endif]-->The press release mentioned in the plan will be targeted specifically to ag outlets only.
- <!--[if !supportLists]--><!--[endif]-->OEM/OGC are currently revising the draft Q&As.

Please let me know if you have any questions or concerns about our planned approach.

Thank you,

Trish

Trish Taylor, Office of Communications, Partnerships and Analysis (OCPA)

U.S. EPA, Office of Land and Emergency Management (OLEM)

WJC West, RM 3137

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 566-2615

taylor.trish@epa.gov

OLEM is on Twitter at [@EPALand](https://twitter.com/EPALand)

From: Taylor, Trish

Sent: Monday, October 02, 2017 11:54 AM

To: StClair, Christie <StClair.Christie@epa.gov>

Cc: Valentine, Julia <Valentine.Julia@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>

Subject: draft communications planning tool for CERCLA / EPCRA Reporting Requirement guidance doc
Hi Christie, Julia and Nancy,

I attached this draft comms planning tool to your OPA Calendar for Monday, October 16, 2017.

It's the short, planning tool showing the programs planned approach for outreach. I hope to have the more detailed draft communications strategy and materials very soon. Please let me know if you have any questions/comments on the 1-pager planning tool.

Thank you,

Trish Taylor, Office of Communications, Partnerships and Analysis (OCPA)

U.S. EPA, Office of Land and Emergency Management (OLEM)

WJC West, RM 3137

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 566-2615

taylor.trish@epa.gov

OLEM is on Twitter at [@EPALand](https://twitter.com/EPALand)

Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 11/14/2017 4:58:11 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]; Hull, George [Hull.George@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]
Subject: RE: Region 10 Fact sheet-revised

The pub. number for the fact sheet is: 520-F-17-001.

It will go on the first page header, above the date.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Franklin, Kathy
Sent: Tuesday, November 14, 2017 11:08 AM
To: Mayer, Eileen ; Hull, George ; Gioffre, Patricia ; Jennings, Kim ; Jacob, Sicy ; Principe, Vanessa ; Bosecker, Elizabeth
Subject: RE: Region 10 Fact sheet-revised

My comments attached. Maybe we can discuss at the 1:30 meeting?

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Mayer, Eileen
Sent: Monday, November 13, 2017 6:32 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Subject: RE: Region 10 Fact sheet-revised

Go with this format for now. I've tried to address some of the issues/comments raise, but not all. Sicy, I didn't know where you wanted the information on multiple farms across the country.

I've requested a pub. number and we should have that sometime tomorrow.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency

From: Franklin, Kathy

Sent: Monday, November 13, 2017 6:12 PM

To: Hull, George <Hull.George@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: Region 10 Fact sheet-revised

Another comment (picky, I know), please subscript the numbers in the chemical formulas on page 2 as I have done below in red font:

- Ammonia (NH₃) - CASRN# 7664-41-7
- Hydrogen Sulfide (H₂S) - CASRN# 7783-06-4

On page 2 where we are telling them to use 365 days per year and 12 mos for release duration below:

- *Complete the Number of Days of Release (365 days), Total Quantity for the Year, and Period of the Release (12 months)*

Are there any situations where these numbers would be less than 365 days or 12 months? Shouldn't we be letting the facility determine that number? For example, the poultry operations worksheet we provide a link to (*Source: Hongwei Xin, Robert Burns, and Hong Li. January 2009.*) uses various numbers for days/year, such as 305, 345 and 360 in the examples on the last page of the worksheet. Some of them are less than 365 I guess because they mention downtime or they raise X number of broods per year and maybe there is time in between broods where there is no manure?

Maybe we can just state, (i.e. 365 days) or is it (e.g. 365 days)? , same with months, to suggest as example, rather than specifying the exact number of days for the facility.

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: 202-564-7987

Email: franklin.kathy@epa.gov

From: Hull, George

Sent: Monday, November 13, 2017 5:46 PM

To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: Region 10 Fact sheet-revised

A few additional edits/suggestions from me. I added to Kathy's version of the document. - George

From: Franklin, Kathy

Sent: Monday, November 13, 2017 4:58 PM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: Region 10 Fact sheet-revised

I had a couple of comments/edits, see attached.

I thought Margaret Gerardin had a process she followed to get document numbers.

The third page of the fact sheet looks like it has text overlapping a data table. The whole page disappears when you go to "Simple markup". So assume we just going to have the two pages?

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: 202-564-7987

Email: franklin.kathy@epa.gov

From: Gioffre, Patricia

Sent: Monday, November 13, 2017 4:39 PM

To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: Region 10 Fact sheet-revised

Importance: High

See attached. I took the fact sheet that R10 put together, removed the chart with number of animals per species, and added some additional information from the website. I am open to revisions.

We need to get a publication number (perhaps George can work with Trish to obtain) and need OGC to review. Eileen-do we need to follow a special format for factsheets?

Take a look at the revised factsheet and then we can send on to OGC and senior leaders.

Patty Gioffre

USEPA (OLEM/OEM)

1200 Pennsylvania Ave. NW (5104A)

Washington, DC 20460

202-564-1972

202-748-7139 (cell)

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Message

From: Principe, Vanessa [Principe.Vanessa@epa.gov]
Sent: 11/14/2017 6:05:42 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Hull, George [Hull.George@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]
Subject: RE: Region 10 Fact sheet-revised
Attachments: CERCLA EPCRA Factsheet_VP.docx; CERCLA EPCRA Factsheet_CLEAN_VP.docx

Patty/Kim,

Played with this a bit, with Sicy's help. Saved as simple markup so its easier to read.

Deliberative Process / Ex. 5

Take or leave as you see fit, V

From: Mayer, Eileen
Sent: Monday, November 13, 2017 6:32 PM
To: Franklin, Kathy ; Hull, George ; Gioffre, Patricia ; Jennings, Kim ; Jacob, Sicy ; Principe, Vanessa ; Bosecker, Elizabeth
Subject: RE: Region 10 Fact sheet-revised

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Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
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Kathy Franklin
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Phone: 202-564-7987
Email: franklin.kathy@epa.gov

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To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>
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Sent: Monday, November 13, 2017 4:58 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>
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WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
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From: Gioffre, Patricia
Sent: Monday, November 13, 2017 4:39 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: Region 10 Fact sheet-revised
Importance: High

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We need to get a publication number (perhaps George can work with Trish to obtain) and need OGC to review.
Eileen-do we need to follow a special format for factsheets?

Take a look at the revised factsheet and then we can send on to OGC and senior leaders.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Mortensen, Ginah [mortensen.ginah@epa.gov]
Sent: 4/6/2018 5:46:10 PM
To: Galloway, Carol [Galloway.Carol@epa.gov]
Subject: RE: Question from livestock industry re CERCLA

Interesting! Thanks for forwarding.

Ginah Mortensen
913-551-5028

Attorney Advisor
Compliance Policy Staff
Monitoring, Assistance, and Media Programs Division
Office of Compliance

Director, EPA National Agriculture Center
1-888-663-2155
<http://www.epa.gov/agriculture>

To receive notifications about updates to the EPA agriculture website and EPA news items of interest to the ag community, subscribe to the Ag Center's News Service by sending a blank email to this address:
join-agcenter@lists.epa.gov

From: Galloway, Carol
Sent: Friday, April 06, 2018 12:33 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: Question from livestock industry re CERCLA

Thanks! I think the farmers will feel better if we can let them know what the Coast Guard has done with their information. ☺

Carol

From: Gioffre, Patricia
Sent: Friday, April 06, 2018 11:49 AM
To: Galloway, Carol <Galloway.Carol@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Question from livestock industry re CERCLA

Thanks for this question Carol. As I understand it, there are no lists being compiled of the farmers who already reported to the National Response Center (which is managed by the Coast Guard).

However, since this question has come up, we should craft a Q&A to address this when we revise the animal waste website.

Adding in Kim as an FYI.

Thanks!

Patty Gioffre

Deputy Director
Regulation Implementation Division
USEPA Office of Emergency Management
202-564-1972
202-748-7139 (cell)

From: Galloway, Carol
Sent: Friday, April 06, 2018 12:03 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Question from livestock industry re CERCLA

Hi Patty,

I understand producers are asking what happens to the names of facilities that already reported under CERCLA? And is there a way for a farmer to remove his name from that list?
I'd appreciate any info you can provide. Thanks!

Carol

Carol Galloway
913-551-5092

Pesticides, Waste and Toxics Branch
Monitoring, Assistance and Media Programs Division
Office of Compliance
CAFO Coordinator
Tribal Pesticides
Worker Safety
Certification and Training
Pollinator Protection

EPA National Ag Center
<http://www.epa.gov/agriculture>

Mailing address:
EPA R7 STC/Ag Center
300 Minnesota Ave.
Kansas City, KS 66101

Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 9/12/2017 11:29:38 AM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: EPCRA/CERCLA Farms Guidance

Just to keep you updated, as of yesterday afternoon, the web text was under AA/DAA review.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Monday, September 11, 2017 11:15 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: Re: EPCRA/CERCLA Farms Guidance

I have edits from OGC to send to you when I get back to my desk. Minimal changes.

Sent from my iPhone

On Sep 11, 2017, at 10:48 AM, Mayer, Eileen <Mayer.Eileen@epa.gov> wrote:

Hi Patty,

Barry Breen want to know if OGC approved the web version of the text?

Thanks!

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Wednesday, September 06, 2017 3:56 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: EPCRA/CERCLA Farms Guidance

Both. I am waiting on OGC/OECA final blessing but Becki reviewed and approved. Drafting an email now to OGC/OECA to prompt a response.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972

Cellular Phone / Ex. 6

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From: Mayer, Eileen
Sent: Wednesday, September 06, 2017 3:55 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: EPCRA/CERCLA Farms Guidance

I just got this question from OCPA.....has Becki approved your version of the text you intend to send up to the OLEM front office? Or is it still technically review.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Wednesday, September 06, 2017 3:27 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: EPCRA/CERCLA Farms Guidance

Works for me. Thank you.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972

Cellular Phone / Ex. 6

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From: Mayer, Eileen
Sent: Wednesday, September 06, 2017 3:26 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: EPCRA/CERCLA Farms Guidance

Hi Patty,

I tightened up that sentence a bit. Hopefully it won't give folks too much heartburn:

Deliberative Process / Ex. 5

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

Message

From: Gioffre, Patricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31F5C89E985847ECAEEC14283E8FC914-PFLEMI02]
Sent: 9/5/2017 8:54:55 PM
To: Sullivan, Tim [Sullivan.Tim@epa.gov]
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Thank you for the quick response!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Sullivan, Tim
Sent: Tuesday, September 05, 2017 3:41 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

All:

I have reviewed the draft and included an edit using track changes in the attached document to better mirror the statutory language for when reporting is required.

Please contact me with any questions.

Thanks –

Tim

Timothy J. Sullivan
Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1595 Wynkoop Street (MC 8MSU)
Denver, Colorado 80202

Phone: 303.312.6196 | Email: sullivan.tim@epa.gov

Help eliminate environmental violations - report tips and complaints at:
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From: Gioffre, Patricia

Sent: Tuesday, September 5, 2017 8:23 AM

To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Attorney Client / Ex. 5

Much thanks to Sicy and George for drafting this document!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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